

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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	:	
UNITED STATES OF AMERICA	:	
	:	
-vs-	:	Case No. 1:15-cr-290
	:	
	:	
ARNULFO FAGOT-MAXIMO,	:	
Defendant.	:	
-----	:	

JURY SELECTION and OPENING STATEMENTS

November 27, 2018

Before: Liam O'Grady, USDC Judge

And a Jury

APPEARANCES:

Thomas W. Traxler, James L. Trump, and Anthony T. Aminoff,  
Counsel for the United States

Mark J. Petrovich and Thomas B. Walsh,  
Counsel for the Defendant

The Defendant, Arnulfo Fagot-Maximo, in person

1           NOTE: The case is called to be heard in the absence  
2 of the jury panel as follows:

3 JURY PANEL OUT

4           THE CLERK: The Court calls case 1:15-cr-290, the  
5 United States of America versus Arnulfo Fagot-Maximo for a jury  
6 trial.

7           May I have the appearances, please, first for the  
8 Government.

9           MR. TRAXLER: Good morning, Your Honor. Tommy  
10 Traxler on behalf of the United States. And with me at  
11 counsel's table, Your Honor, are Jim Trump and Anthony Aminoff  
12 on behalf of the United States.

13          MR. TRUMP: Good morning, Your Honor.

14          MR. TRAXLER: And behind us, Your Honor, are E.J.  
15 Kelly, a task force officer with the DEA, and he will be the  
16 Government's agent at trial, with the Court's permission.

17          And then Marilu Vargas and Heather Lee, paralegals  
18 who are working with us.

19          THE COURT: All right. Good morning to each one of  
20 you. I'm sorry, the agent's last name?

21          MR. TRAXLER: E.J. Kelly, Your Honor.

22          THE COURT: Okay. Agent Kelly. All right.

23          MR. PETROVICH: Good morning, Your Honor.

24          THE COURT: Mr. Petrovich.

25          MR. PETROVICH: Good morning, Your Honor. Mark

1 Petrovich on behalf of Mr. Fagot-Maximo. I'm here with  
2 counsel, co-counsel, Thomas Walsh.

3 Baabak Zarrabian, who is here as our law clerk to  
4 help us on some matters on the back table.

5 THE COURT: All right, good morning to each one of  
6 you.

7 Good morning, Mr. Fagot-Maximo.

8 And let's swear our interpreter, please.

9 NOTE: The interpreter is sworn.

10 INTERPRETER LEFEBVRE: For the record, Ana Lorena  
11 Lefebvre, federally certified court interpreter.

12 THE COURT: All right.

13 INTERPRETER LEFEBVRE: Your Honor, two other  
14 interpreters are coming, but they are in a hearing with Judge  
15 Brinkema.

16 THE COURT: Okay.

17 INTERPRETER LEFEBVRE: So they will come shortly.

18 THE COURT: All right. Well, good morning to you,  
19 and thank you for serving. Please remind us to swear our  
20 additional interpreters when they do appear this morning.  
21 We'll try and remember ourselves, but if you ill let us know if  
22 we forget. All right?

23 INTERPRETER LEFEBVRE: I will do so.

24 THE COURT: All right, thank you.

25 All right. Any preliminary matters, Mr. Traxler?

1 MR. TRAXLER: Yes, Your Honor, just a few. First,  
2 the Government originally was planning on introducing a Spanish  
3 recording that was made by one of the Government's witnesses,  
4 Devis Leonel Rivera Maradiaga, who commonly goes by Leo  
5 Cachiro. It's a recording that Mr. Leo Cachiro made of a  
6 couple of co-conspirators in this case.

7 And the Government had contracted with Johnnie  
8 Benningfield to prepare a Spanish-to-English translation of  
9 that recording, and these are Exhibits 105 and 106. And the  
10 Government was going to introduce Mr. Benningfield as an expert  
11 in Spanish-to-English translation.

12 We have since decided not to use those recordings,  
13 we're not going to introduce either the recordings or the  
14 Spanish-to-English translation. And we would like for Mr.  
15 Benningfield to be excused from attending trial. He was going  
16 to attend trial on Thursday. He has a pretty limited schedule  
17 because he is in such high demand. And we would like for  
18 permission for him not to attend.

19 My understanding is defense counsel has informed us  
20 that they would like to use him. I don't believe -- well, I'll  
21 let Mr. Petrovich speak. I don't believe it's for this  
22 specific translation but for other translations that they want  
23 to introduce through evidence.

24 We do not believe that is a proper use of the  
25 Government's expert in the Government's case on the

1 Government's dime.

2           The other issue, Your Honor, is Mr. Aminoff will be  
3 delivering the opening statement for the Government, and he  
4 plans on using a PowerPoint with exhibits that we plan to admit  
5 during the trial. We sent that PowerPoint over to defense  
6 counsel yesterday and asked if they had any objections. We  
7 haven't heard any.

8           And we just wanted to front for the Court that we  
9 will be using that PowerPoint during the opening statement.

10           And Mr. Trump, who is going to be handling jury  
11 selection for us, wanted to raise a few issues pertaining to  
12 the defendant's proposed voir dire questions.

13           THE COURT: Okay. All right, let's see.

14           All right, Mr. Petrovich, what's your response to the  
15 proposal to excuse Mr. Benningfield?

16           MR. PETROVICH: Your Honor, I would ask the Court  
17 just for some leeway to hear how the testimony comes out today.  
18 It could be that we don't need him or want to use him. But I  
19 need to first see how some of testimony comes out that we  
20 anticipate coming today. If the Court would give me until  
21 tomorrow morning. I think the Government can give him notice  
22 in time not to expend the Government's resources in that  
23 regard.

24           THE COURT: Okay, all right. How would you expect to  
25 use him if you need to? Based on Honduran slang of Spanish

1 words?

2 MR. PETROVICH: The interpretation of certain words,  
3 that's correct, Your Honor.

4 THE COURT: All right. Well, then let's see how  
5 today goes. I will ask you at the end of the day where you  
6 are.

7 MR. PETROVICH: Very well, Your Honor.

8 THE COURT: All right.

9 MR. PETROVICH: And we don't object to Mr. Aminoff,  
10 we saw the exhibits, there is no objection there.

11 THE COURT: All right, no objection to the PowerPoint  
12 exhibits.

13 All right, Mr. Trump, then voir dire questions.

14 MR. TRUMP: Yes, Your Honor. The only two that we  
15 proposed other than the Court's standard voir dire was the one  
16 in the memorandum regarding the fact that the defendant and  
17 many of the witnesses are from Honduras.

18 The second one is that I believe all but one witness  
19 will be testifying through the use of an interpreter. I think  
20 the Court should inquire whether that fact presents any issues  
21 for potential jurors.

22 And also whether any potential jurors are fluent in  
23 Spanish because I believe the Court would instruct them that  
24 the record in the case is what the interpreters translate into  
25 English, not what an individual juror might think is the

1 appropriate translation of that testimony.

2 So those are the two that we would suggest in  
3 addition to the Court's standard voir dire.

4 I think that the suggested voir dire by the defense  
5 is unnecessary in large part. A simple question on the topics,  
6 whether anyone has any bias or personal feelings regarding a  
7 particular topic would prevent them from fairly and impartially  
8 judging the facts and applying the law in the case would be  
9 sufficient.

10 If follow-up questions are necessary, that's  
11 certainly subject to the discretion of the Court. But to be  
12 more intrusive as to whether somebody owns guns, for example, I  
13 think is unnecessary.

14 THE COURT: Okay. What is the expected testimony  
15 about Guzman, El Chapo?

16 MR. TRUMP: I am not sure what the defense  
17 anticipates. My recollection in terms of pretrial preparation,  
18 there would be testimony by one witness that a cousin of Chapo,  
19 a guy by the name of Wanita Guzman, had a conversation with the  
20 witness concerning the defendant, but we weren't intending to  
21 elicit that it was a cousin of El Chapo.

22 THE COURT: So there isn't going to be any testimony  
23 that the drugs in this case were being sent up to be controlled  
24 by El Chapo in Mexico for further --

25 MR. TRUMP: Well, they are controlled by the Mexican



1 cartels, including the Sinaloa Cartel, that's a fact. And  
2 Government's burden is to show that the drugs went from  
3 Colombia to Honduras, through Guatemala, Mexico, and eventually  
4 into the United States.

5 So the Mexican cartels do receive these drugs, but we  
6 don't intend to elicit specific testimony that this defendant  
7 had a personal relationship with El Chapo.

8 Now, if, out of an abundance of caution, they want to  
9 tell the jury that their defendant has some relationship with  
10 El Chapo, that's fine with us, but I don't think it's  
11 appropriate at this point to make that inquiry.

12 THE COURT: In voir dire?

13 MR. TRUMP: In voir dire.

14 THE COURT: Okay.

15 MR. TRUMP: But as I said in our memo, we leave that  
16 to their choice, but I'm just advising the Court that we don't  
17 intend to elicit anything about El Chapo specifically. But we  
18 do intend to elicit that the drugs eventually found their way  
19 into the hands of the Mexican cartels, including the Sinaloa  
20 Cartel. And there will be the mention of a Guzman, who is a  
21 cousin of Chapo, but I don't expect the witness to blurt out  
22 that it was El Chapo's cousin.

23 THE COURT: Okay. Thank you.

24 Mr. Petrovich.

25 MR. PETROVICH: Yes, Your Honor. I think the

1 questions proposed with regard to our voir dire suggestions are  
2 basic voir dire.

3 I'll touch base first on the issue with regard to El  
4 Chapo. I think it's very important, it's absolutely necessary  
5 for a Court to delve into the thoughts of jurors with regard to  
6 current events. The El Chapo trial is current and ongoing. It  
7 has been in the news extensively. It represents Mexican drug  
8 trafficking. People have heard many things over many  
9 broadcasts in different forums with regard to drugs and Mexico.

10 The Government's case will for sure emphasize that  
11 Mexico was a vital part of this alleged conspiracy. And in  
12 that regard, it's imperative that we know if a juror has  
13 already established in their minds, well, this is another drug  
14 case and somewhere south of the U.S. in Central or South  
15 America and we need to just find them guilty and lock these  
16 people up. That's an absolutely necessary part of the voir  
17 dire, to make sure that they are impartial.

18 I think the Government phrased it perfectly. The  
19 Government is not going to allege that Mr. Maximo was involved  
20 or had any direct dealings with El Chapo or the Sinaloa Cartel;  
21 however, the allegations do claim that he was involved in a  
22 conspiracy that eventually involved moving drugs through Mexico  
23 in that cartel. Do any of you feel that that would create any  
24 bias in your minds with regard to Mr. Fagot-Maximo's  
25 presumption of innocence?

1 And it needs to be delved into.

2 THE COURT: The question is, are you going to delve  
3 into it, El Chapo specifically?

4 MR. PETROVICH: No, Your Honor.

5 THE COURT: Okay. I'm just trying to -- I'll ask a  
6 question whether anybody has been following a drug trial in New  
7 York where there is an individual named El Chapo and if that --  
8 if they could put that aside. But I'm just curious as to how  
9 far you intend to go.

10 MR. PETROVICH: I don't intend to mention -- no, we  
11 don't intent to delve into that area at all.

12 THE COURT: All right, then I'll ask the question.  
13 Go ahead.

14 MR. PETROVICH: Your Honor, I would also note, again  
15 in regards to the current events, the questions we proposed  
16 with regard to nationality --

17 THE COURT: I'm going to ask those questions.

18 MR. PETROVICH: Very well.

19 THE COURT: And I will give you -- I'm going to go  
20 through the voir dire, I'll ask most of the questions,  
21 including the questions regarding that this case involves  
22 violence and narcotics and firearms and violent crimes. And  
23 I'm not going to ask it the way you propose, but I will  
24 generally ask it. I think it's a standard question that I ask  
25 in each case. And we will do those at sidebar.

1           And to the extent you have additional questions you  
2 want me to ask, you listen carefully and see what you I think  
3 I've left out, and we'll talk about it at sidebar.

4           MR. PETROVICH: Very well, Your Honor.

5           THE COURT: Okay. All right.

6           MR. TRUMP: Just one minor point, Judge. For  
7 example, there is one proposed question that states a fact that  
8 would otherwise not be in evidence, and I think that's  
9 inappropriate.

10           For example, one of their questions says: The  
11 defendant has never been to the United States.

12           Well, that's -- who knows. I don't know if he has  
13 ever been to the United States.

14           So I don't think any voir dire question should assume  
15 facts that may or may not be in evidence. And that's why the  
16 general questions, as you suggest, are the appropriate ones,  
17 not ones that kind of front trial facts to the jury.

18           THE COURT: Yeah. I understood, and I agree. But I  
19 will ask about whether there is any particular bias to Honduras  
20 given the number of witnesses that I understand are going to be  
21 from Honduras.

22           And I will ask the additional questions regarding the  
23 use of the interpreters. Also, if anyone is fluent in Spanish.

24           All right. Then any comments on the selection? When  
25 we were together last I suggested that we would call 12 -- we

1 would get 12 in the box, and then call four additional jurors  
2 and have each side strike one of those jurors, and those would  
3 be the alternates.

4 Is there any objection to that?

5 MR. TRAXLER: No objection from the Government, Your  
6 Honor.

7 THE COURT: Mr. Petrovich?

8 MR. PETROVICH: No, sir.

9 THE COURT: Okay. All right, anything else then  
10 before we --

11 MR. TRUMP: Your Honor --

12 MR. PETROVICH: Your Honor, just to clarify -- I'm  
13 sorry, go ahead.

14 MR. TRUMP: The request I had made previously that  
15 you advise the jury that I had no relationship with the other  
16 Trump.

17 THE COURT: Okay.

18 MR. WALSH: I don't know if we need to ask that.

19 THE COURT: Well, since Judge Ellis gave it in the  
20 middle of the Manafort case when Mr. Trump merely came into the  
21 courtroom, it obviously is something that draws interest. And  
22 certainly I will let them know.

23 MR. PETROVICH: Your Honor, I don't think there is  
24 any reason for that. Again, that's a fact that is not going to  
25 be in evidence, and that's what Mr. Trump --

1 THE COURT: All right. Anything substantive you want  
2 to talk to me about?

3 MR. PETROVICH: We wanted to clarify, it's the  
4 defense -- the defense gets ten strikes and the Government gets  
5 the six strikes. We just want to make sure. We haven't  
6 discussed that.

7 THE COURT: Yeah.

8 MR. PETROVICH: We got together after our last court  
9 appearance and went over that a little bit, but we just want to  
10 make sure we are all on the same page in that regard.

11 THE COURT: Okay, yeah. There hasn't been any  
12 request for additional strikes, and I will allow the  
13 traditional numbers.

14 Okay. Anybody identify anybody right off the bat on  
15 the jury list? Have you had the opportunity to do that?

16 MR. PETROVICH: Your Honor, just one thing, I  
17 apologize.

18 THE COURT: Yes, sir.

19 MR. PETROVICH: Mr. Walsh and I didn't get together  
20 on this. Really, we would ask for ten, plus the one additional  
21 for the alternates.

22 THE COURT: Yes, absolutely.

23 MR. PETROVICH: Very well. Thank you, Your Honor.

24 THE COURT: Put the 12 in the box, using all the  
25 strikes you need if you need them. And then the additional one

1 for the alternates.

2 MR. PETROVICH: Thank you, Your Honor.

3 THE COURT: Yes.

4 INTERPRETER LEFEBVRE: Your Honor, we have another  
5 interpreter. Sorry for the interpretation.

6 THE COURT: Yes. We have both. Ms. Horvath has just  
7 come in as well. Let's swear our additional interpreters now.

8 NOTE: The interpreters are sworn.

9 INTERPRETER HORVATH: For the record, Maria Horvath,  
10 federally certified court interpreter. Good morning.

11 INTERPRETER GASTON: For the record, Erin Gaston,  
12 also a federally certified interpreter.

13 THE COURT: All right, good morning to both of you.  
14 And thank you for serving with us.

15 And the Government has asked that Special Agent Kelly  
16 be allowed to remain at counsel table. Is there any objection  
17 to that?

18 MR. PETROVICH: No objection, Your Honor.

19 THE COURT: Okay. All right. Then let's take a  
20 brief recess while we get our jury upstairs, and we will come  
21 back and we will begin our jury selection process.

22 All right, we're in recess.

23 NOTE: At this point a recess is taken; at the  
24 conclusion of which the case continues in the presence of the  
25 jury panel as follows:

1 JURY PANEL IN

2 THE CLERK: The Court calls case 1:15-cr-290, the  
3 United States of America versus Arnulfo Fagot-Maximo for a jury  
4 trial.

5 May I have the appearances, please, first for the  
6 Government.

7 MR. TRUMP: Your Honor, Jim Trump on behalf of the  
8 United States, with Tommy Traxler and Anthony Aminoff.

9 THE COURT: All right, good morning to each of you.

10 MR. PETROVICH: Good morning, Your Honor. Mark  
11 Petrovich on behalf of Mr. Fagot-Maximo, along with co-counsel  
12 Thomas Walsh.

13 THE COURT: All right, good morning to each of you.

14 Good morning, ladies and gentlemen. My name is Liam  
15 O'Grady, and I'll be the judge handling this case. It's a  
16 criminal case, and I'll give you a little more information  
17 about it in a few minutes. But let's first call the roll and  
18 see who is here this morning.

19 THE CLERK: Good morning, ladies and gentlemen. As I  
20 call your name, would you please stand, answer present, and you  
21 may be seated once your name is called. I apologize in advance  
22 if I mispronounce any names.

23 NOTE: The jury panel is called and sworn.

24 THE COURT: All right, thank you. Good morning  
25 again.



1           As I said, this is a criminal case, the United States  
2 versus Arnulfo Fagot-Maximo. Mr. Fagot-Maximo is charged with  
3 one count of conspiracy to distribute five kilograms or more of  
4 cocaine, intending it to be imported into the United States, in  
5 violation of Title 21, Section 959 and 963.

6           He's charged with conspiring with other individuals,  
7 including several members of the Bobadilla family, Noe  
8 Bobadilla, Erlinda Bobadilla, Alejandro Bobadilla, Juan Carlos  
9 Bobadilla, and Jose Garcia-Teruel, between the years 2006 and  
10 2015.

11           It is alleged in the indictment that the defendant  
12 was a part of the Bobadilla and other drug trafficking  
13 organizations that ordered a large quantity of cocaine from  
14 Colombia, South America, for delivery by boat or plane to  
15 Honduras. And that Mr. Fagot-Maximo is alleged to have  
16 controlled a property on the coast of Honduras where the  
17 cocaine from Colombia was off-loaded before being transferred  
18 to the Bobadilla or other drug trafficking organizations,  
19 including the Valle drug trafficking organization, for further  
20 distribution to Mexico and to the United States.

21           So that's a very thumbnail sketch of what the charges  
22 are. Mr. Fagot-Maximo has pled not guilty to those charges,  
23 and that is the reason that you are here today, is to take part  
24 in the jury selection, and the jury will hear evidence and  
25 determine his guilt or innocence through our trial-by-jury

1 system.

2 As I indicated, my name is Liam O'Grady. And I'll be  
3 assisted by a wonderful staff here that will try and keep me on  
4 schedule and doing things I ought to be doing to assist in  
5 helping us through our trial together.

6 I'm going to begin asking a series of questions, it's  
7 called voir dire or voir dire depending upon what TV show you  
8 listen to, but it's a way to assist the counsel in the case in  
9 assembling what they think are the best jurors to hear this  
10 type of case. There is no scientific formula here, it's just  
11 their best belief in who would best be served sitting on this  
12 jury.

13 As I said, I'll be asking a series of questions. If  
14 your answer is "yes" to any of those questions, then I'll ask  
15 you to stand up, please give us your name each time. And also,  
16 if you remember your jury number, give us your jury number as  
17 that will assist us in keeping track of the answers to my  
18 questions.

19 As you heard briefly, the United States is  
20 represented by Mr. Trump, Mr. Traxler, and Mr. Aminoff.

21 Mr. Trump, if you would identify the remaining  
22 members of your team at this time, or Mr. Traxler.

23 Please listen carefully to the names.

24 And also identify the names of the witnesses that you  
25 expect to call during your case in chief.

1 MR. TRUMP: Thank you, Your Honor. Heather Lee.  
2 Mary Vargas. Lieutenant E.J. Kelly of the Virginia State  
3 Police.

4 The witnesses that the Government expects to call  
5 are: Special Agent Gregg Mervis of the Drug Enforcement  
6 Administration. Luis Gaviria. Anderson Lever. Richard  
7 Mosquera. Miguel Arnulfo Valle Valle. Luis Alonso Valle  
8 Valle. Alexander Suazo Peralta. Devis Leonel Rivera  
9 Maradiaga, also known as Leo Cachiro. Jose Manuel Lopez  
10 Morales. Fernando Chang Monroy. Ronald Joel Carrion  
11 Zalabarria. And last, Task Force Officer Edmund J. Kelly.

12 THE COURT: Thank you. Do any of you recognize any  
13 of the names that Mr. Trump has just gone over with you? All  
14 right.

15 Mr. Trump, by the way, is not related to anybody in  
16 the White House or family members. I don't want you to be  
17 curious about that.

18 Do any of you have any business dealings or personal  
19 relationships with any of the Assistant U.S. Attorney's here in  
20 the courtroom or the U.S. Attorney's Office here in the Eastern  
21 District of Virginia in Alexandria?

22 All right. Any of you -- yes, ma'am.

23 JUROR [REDACTED]: 54, [REDACTED] I believe the  
24 U.S. District Attorney's son goes to the preschool that I'm  
25 head of school at. I know the family.

1 THE COURT: All right. And the -- I'm sorry.

2 JUROR [REDACTED]: [REDACTED] is the son.

3 THE COURT: [REDACTED]. All right. And do you have  
4 a personal relationship with him, or you just know that he is  
5 one of --

6 JUROR [REDACTED]: I know his wife better than him. And  
7 I know his son quite well.

8 THE COURT: Okay. And any reason why that would make  
9 it difficult for you to be fair and impartial here?

10 JUROR [REDACTED]: No.

11 THE COURT: All right. Thank you, very much.

12 Anybody else? Anybody have any business relationship  
13 with the U.S. Attorney's Office, work that you do for them?

14 Are any of you familiar with Special Agent Kelly, who  
15 is the case agent, from DEA in the case? All right, thank you.

16 As you also heard, the defendant is represented by  
17 Mr. Petrovich and Mr. Walsh. They have a firm in Fairfax,  
18 Virginia, Petrovich & Walsh. Do any of you know either of Mr.  
19 Petrovich or Mr. Walsh, or had any personal or business  
20 dealings with them?

21 Do any of you know Mr. Fagot-Maximo?

22 All right. Mr. Petrovich, if you would identify your  
23 law clerk one more time for -- this is Mr. Fagot-Maximo. Thank  
24 you, Mr. Petrovich.

25 And your law clerk, sir, who is helping you today.

1 MR. PETROVICH: Yes. Good morning, Your Honor.  
2 Ladies and gentlemen, this is Baabak Zarrabian, he's our law  
3 clerk, and he'll be assisting us with regard to the trial in  
4 the case.

5 THE COURT: All right. The defendant is not required  
6 to call any witnesses, as I will explain a little further. The  
7 burden is always on the Government to prove the case beyond a  
8 reasonable doubt and the defendant has no burden.

9 But, Mr. Petrovich, at this time do you have any  
10 witnesses that you want to identify that you're certain to  
11 call?

12 MR. PETROVICH: At this time we will be relying on  
13 the same witnesses, Your Honor.

14 THE COURT: All right, thank you.

15 Do any of you know Mr. Petrovich's law clerk? All  
16 right.

17 The case, ladies and gentlemen, is expected to last  
18 until the middle of next week. But for purposes of being  
19 overly cautious, I'll ask whether you have any conflicts in  
20 serving on the jury between today and the end of next week?

21 If I excused everybody who said it was just  
22 inconvenient to be a juror, then we would have no jury trials.  
23 And, of course, our system of justice is the best in the world  
24 because you come and give your time and attention and make the  
25 difficult decisions that every jury makes in our nation.

1           So I'm only able to excuse jurors with specific  
2 conflicts, and they would include: Single parents who have no  
3 daycare at home. Sole proprietors whose businesses are  
4 shuttered if they are not at their place of work. Students who  
5 have classes during the day. Those with a paid business trip  
6 that can't be rearranged. Those with a prepaid vacation trip  
7 which can't be rearranged. Also, those with medical  
8 appointments that cannot be rescheduled.

9           So if you fit into one of those categories, I'll hear  
10 from you now. Anybody on the left-hand side? Yes, ma'am.

11           JUROR [REDACTED]: I do have a prepaid trip.

12           THE COURT: I'm sorry? Is it --

13           JUROR [REDACTED]: 71, [REDACTED].

14           THE COURT: Yes, and you are 71.

15           JUROR [REDACTED]: Correct.

16           THE COURT: All right. What's your conflict?

17           JUROR [REDACTED]: So we have a family trip to New York,  
18 all arrangements are made. But it wouldn't be a problem if I  
19 would not have to bring the kids. My husband is flying on a  
20 business trip, and I have to deliver the kids to New York.  
21 Even if I have to come back here, I would have to transfer the  
22 kids to New York.

23           THE COURT: Okay. I'm catching about half of what  
24 you're saying. You need to speak up for me. What do you --  
25 you have a business --

1 JUROR [REDACTED]: So we have a family trip to New York.

2 THE COURT: And your husband is joining you there?

3 JUROR [REDACTED]: And my husband is flying in. I will  
4 have to bring the kids because the whole trip is already  
5 prepaid.

6 THE COURT: Okay. And does it -- is it on the  
7 weekend? Or does it conflict --

8 JUROR [REDACTED]: It's actually Monday through Wednesday.

9 THE COURT: Of next week?

10 JUROR [REDACTED]: Yes.

11 THE COURT: Okay, all right. Thank you, [REDACTED].  
12 Anybody else on the left-hand side?

13 All right, let's go to the middle then. Anybody in  
14 the middle have a conflict that can't be rescheduled? Yes,  
15 ma'am.

16 JUROR [REDACTED]: Hi. I work a typical 9-to-5  
17 job, and then I also own my dog training business that I do in  
18 the evenings. Sorry, number 17, [REDACTED].

19 THE COURT: Okay. You have a side business in the  
20 evening after you work during the day?

21 JUROR [REDACTED]: Yes.

22 THE COURT: And that's a sole -- you run that on your  
23 own; is that correct?

24 JUROR [REDACTED]: I do, yes.

25 THE COURT: All right. And how many hours a week do



1 you work on that business?

2 JUROR [REDACTED]: I currently have right now 15  
3 active clients that I do throughout the evenings and on the  
4 weekends as well.

5 THE COURT: Okay. All right, thank you.

6 JUROR [REDACTED]: Thank you.

7 THE COURT: Yes, ma'am, go ahead.

8 JUROR [REDACTED]: 54, [REDACTED]. I'm an Episcopal  
9 priest, and I have services between now and next week.  
10 Certainly on the weekends, but I also have two services  
11 tomorrow. I can postpone them, but then there are people who  
12 don't get the services.

13 THE COURT: What kind of services again?

14 JUROR [REDACTED]: Worship services, associated  
15 church-related services.

16 THE COURT: All right. Thank you, [REDACTED].  
17 Yes, sir.

18 JUROR [REDACTED]: Hi. I'm number 19, [REDACTED].  
19 I have a business meeting that was planned for Monday afternoon  
20 in Florida.

21 THE COURT: All right. And that can't be  
22 rescheduled, [REDACTED]?

23 JUROR [REDACTED]: No. One of people is flying in from  
24 overseas to attend that meeting.

25 THE COURT: Okay, all right. Thank you, sir.



1 Anybody else in the middle? Yes, ma'am.

2 JUROR [REDACTED]: Hi. Number 34, [REDACTED]. My  
3 husband is law enforcement and he works a night shift job, so  
4 I'm the main person who gets the kids to school, after school,  
5 and takes care of them.

6 THE COURT: All right. And they don't have any after  
7 school care, is that --

8 JUROR [REDACTED]: No, it's myself.

9 THE COURT: So what time do you have to get them, [REDACTED]  
10 [REDACTED]?

11 JUROR LANGER: 4 o'clock.

12 THE COURT: Okay. Thank you, [REDACTED].

13 Anybody else in the middle? Yes, ma'am.

14 JUROR [REDACTED]: Hi. Number 60, [REDACTED]. I am  
15 a stay-at-home mom. I do have child care set up until Thursday  
16 or Friday of next week. So I think you said Friday for sure.  
17 I would do my best to have it covered, but I just am uncertain  
18 right now.

19 THE COURT: Okay. All right. Thank you, [REDACTED].

20 All right. Anybody on the far side?

21 JUROR [REDACTED]: 53, [REDACTED] I am currently  
22 working out of state, I have been for three months, and I'm  
23 still scheduled to work out of state for another four weeks,  
24 Eastern Maryland. The company has already paid for the hotel  
25 and everything, so -- I came back for this.

1 THE COURT: You're working with a team of people out  
2 there?

3 JUROR [REDACTED]: Yeah. I am the project manager for a  
4 construction site.

5 THE COURT: All right. You don't think they can do  
6 without you for a couple --

7 JUROR [REDACTED]: I hope not. It's just already paid  
8 for, it's the company's loss for two weeks of me not being  
9 there.

10 THE COURT: All right. Thank you, [REDACTED].  
11 Yes, sir.

12 JUROR [REDACTED]: Number 67, [REDACTED]. Defense  
13 contractor, and we have a trip for one of my projects Monday  
14 through Thursday of next week to Michigan and then to San  
15 Diego.

16 THE COURT: Okay. Who do you work with, [REDACTED]?

17 JUROR [REDACTED]: So my company is ManTech  
18 International, but I work for the Marine Corps.

19 THE COURT: All right. And that can't be rescheduled  
20 or somebody else can't go in your stead?

21 JUROR [REDACTED]: No, sir.

22 THE COURT: All right. Thank you, [REDACTED].  
23 All right. Anybody in -- yes, sir.

24 JUROR [REDACTED]: Number 24, [REDACTED]. I have a trip  
25 to Florida about six --

1 THE COURT REPORTER: I'm sorry, you are going to have  
2 to speak a --

3 THE COURT: Yeah. This is number 24, [REDACTED]. And  
4 speak up, please, sir.

5 JUROR [REDACTED]: Yeah, I have a trip to Florida next week  
6 from Monday through Friday, I'm taking the continuing  
7 education. I'm a civil engineer.

8 THE COURT: I didn't hear the last part of what you  
9 said. You're taking a course down there?

10 JUROR [REDACTED]: Yes, it is continuing education credits  
11 for my license.

12 THE COURT: What type of license was that?

13 JUROR [REDACTED]: I'm a civil engineer, professional  
14 engineer.

15 THE COURT: All right. Thank you, sir.

16 Anybody else? All right, [REDACTED].

17 JUROR [REDACTED]: Number 30, [REDACTED]. I have a doctor's  
18 appointment Wednesday morning, this Wednesday morning. It is  
19 hard to reschedule. I have already done the blood tests and  
20 everything.

21 THE COURT: I'm sorry, you're having some blood work  
22 done, is that what you --

23 JUROR [REDACTED]: I have already had it done, and it will  
24 be hard to reschedule that appointment.

25 THE COURT: Okay. Thank you, [REDACTED].

1 Yes, sir.

2 JUROR [REDACTED]: Number 7, [REDACTED]. I'm the sole  
3 used car mechanic at the dealership in Leesburg. I already  
4 have two vehicles already ripped apart, the dashboards and  
5 seats have come apart, for a couple of sold vehicles. Also, I  
6 have a backlog of vehicles. It would substantially be a  
7 detriment to my employer if I was to be out for that long of a  
8 period of time. I'm also one of only two emissions inspectors  
9 there.

10 THE COURT: All right. Thank you, [REDACTED].

11 Yes, ma'am, in the middle. Yes.

12 JUROR [REDACTED]: This is out of an abundance of  
13 caution. Sorry, number 36, [REDACTED].

14 THE COURT: Yes.

15 JUROR [REDACTED]: I have a flight out of the country  
16 on December 12. So I know it is through next week, but just in  
17 case it goes over, I wanted to put that on the radar.

18 THE COURT: All right. Thank you, [REDACTED].

19 Yes, sir, in the back.

20 JUROR [REDACTED]: Number 55, [REDACTED]. I'm a  
21 night auditor at a hotel, and I work from 11 to 7. And I am  
22 the only night auditor throughout the entire week. It's just a  
23 little inconvenient to be sleep deprived the entire week.

24 THE COURT: There is nobody else that teams with you,  
25 [REDACTED]?

1 JUROR [REDACTED]: No, sir.

2 THE COURT: All right. Thank you, sir.

3 Anybody else? Yes, ma'am.

4 JUROR [REDACTED]: Hi. I am number 52, [REDACTED]  
5 [REDACTED]. I am an eighth grade teacher preparing right  
6 now report cards for end of the trimester. I also have a  
7 proctored exam, high school placement exam on Thursday.

8 THE COURT: Say that again, the last part.

9 JUROR [REDACTED]: High school placement exam, I  
10 am a proctor for that exam on Thursday.

11 THE COURT: For the students, the eighth-graders, for  
12 placement testing?

13 JUROR [REDACTED]: Yes.

14 THE COURT: Okay, thank you.

15 Mr. [REDACTED], you raised your hand, sir?

16 JUROR [REDACTED]: I am number 1, my name is  
17 [REDACTED]. And I have a final exam this Thursday.

18 THE COURT: Okay. Where are you going to school?

19 JUROR [REDACTED]: Northern Virginia Community  
20 College.

21 THE COURT: And you have an exam during the day this  
22 Thursday?

23 JUROR [REDACTED]: No, it is 6 o'clock p.m.

24 THE COURT: 6 o'clock p.m.?

25 JUROR [REDACTED]: Yes.

1 THE COURT: All right. Thank you, sir.

2 Anybody else? Does anybody have a language  
3 difficulty, understanding the English language? Or have any  
4 vision issues, or hearing issues, or any other medical reason  
5 why you believe that you would not be able to understand or sit  
6 through trial?

7 JUROR [REDACTED]: 58. I just have a quick question. I  
8 have had two spinal fusions, so I have to stand up every once  
9 in awhile. As long as we can do that --

10 THE COURT: Yeah, absolutely, you will be permitted  
11 to do that.

12 We also have hearing aids for those who may have a  
13 little difficulty in the courtroom that can be worn during the  
14 course of the trial.

15 All right, anybody else? Yes, sir.

16 JUROR [REDACTED]: 56, [REDACTED]. My English is  
17 limited. My language is -- I can't understand properly. But  
18 somebody explaining --

19 THE COURT: Yeah. I mean, have you had difficulty  
20 understanding the questions I've been asking so far, [REDACTED]  
21 [REDACTED]?

22 JUROR [REDACTED]: Yes, sir.

23 THE COURT: All right. How long have you been  
24 speaking English?

25 JUROR [REDACTED]: I have been here for a long time, but

1 my job allows limited language. It's limited, my English.

2 THE COURT: All right. Thank you, [REDACTED].

3 JUROR [REDACTED]: [REDACTED].

4 THE COURT: Oh, you're [REDACTED]. [REDACTED]. I'm sorry,  
5 I heard 66, but you're 56. All right.

6 Have any of you received any information about this  
7 case -- I don't think it's received any publicly. But in any  
8 other means? All right.

9 Have any of you served as jurors previously either in  
10 a criminal or a civil case, or as a member of a grand jury  
11 either here in federal or state court in Virginia or elsewhere?

12 And if we can start on the side again. Yes, ma'am.

13 JUROR [REDACTED]: 72, [REDACTED] I lived in  
14 D.C., and so I have served in a trial there when I first moved  
15 here in like '90, '91.

16 THE COURT: All right. Was it a criminal or a civil  
17 case, [REDACTED]?

18 JUROR [REDACTED]: Criminal.

19 THE COURT: All right. And was the jury able to  
20 reach a verdict in the case?

21 JUROR [REDACTED]: Yeah. But it was a long time ago,  
22 so I don't really remember.

23 THE COURT: All right. So it doesn't present any  
24 difficulties from that case for you sitting in this case, is  
25 that fair to say?

1 JUROR [REDACTED]: Yes.

2 THE COURT: All right. Thank you, [REDACTED].

3 Anybody else on the far side?

4 How about in the middle then? Anybody in the middle?

5 Yes, sir, in the front row.

6 JUROR [REDACTED]: Number 9, [REDACTED]. I was on a  
7 state jury, I can't even remember how long ago, maybe 20,  
8 25 years ago.

9 THE COURT: All right.

10 JUROR [REDACTED]: They sat the jury, and then they put us  
11 back in a room, and it was settled and we didn't even go to  
12 trial.

13 THE COURT: All right. Any reason why that would  
14 make it difficult for you to be fair and impartial in this  
15 case, [REDACTED]?

16 JUROR [REDACTED]: No, sir.

17 THE COURT: All right, thank you.

18 All right. Yes, ma'am, in the front row.

19 JUROR [REDACTED]: 33, [REDACTED]. I served on a jury  
20 in a criminal case about 1980 in Rockville, Maryland,  
21 Montgomery County court.

22 THE COURT: And was the jury able to reach a verdict  
23 in that case?

24 JUROR [REDACTED]: Yes, sir.

25 THE COURT: All right. And any issues presented



1 there which would make it difficult for you to sit here, [REDACTED]  
2 [REDACTED]?

3 JUROR [REDACTED]: No, sir.

4 THE COURT: Thank you.

5 All right. Anybody else in the middle? Yes, sir.

6 JUROR [REDACTED]: Number 22, [REDACTED]. In '96 I  
7 served in the Southern District of New York. I was an  
8 alternate, so I did not go through the entire trial.

9 And then in 2011 I served on a County of Arlington  
10 criminal case.

11 THE COURT: All right. And what kind of case was it  
12 in Arlington?

13 JUROR [REDACTED]: It was criminal case, and we were  
14 hung.

15 THE COURT: And the jury hung up?

16 JUROR [REDACTED]: Correct.

17 THE COURT: All right. And anything about those  
18 experiences which would make it difficult for you to be fair  
19 and impartial in this case, [REDACTED]?

20 JUROR [REDACTED]: No.

21 THE COURT: All right, thank you.

22 Anybody else in the middle? Yes, ma'am.

23 JUROR [REDACTED]: Number 57, [REDACTED]. I was a  
24 juror in Fauquier County a few years ago in a criminal case.  
25 We had not come to a decision, but the individual pled guilty

1 before we went back into the courtroom.

2 THE COURT: Okay. And where was that? I'm sorry.

3 JUROR [REDACTED]: Fauquier County.

4 THE COURT: In Fauquier County. All right. And any  
5 reason why that experience would make it difficult for you to  
6 be fair and impartial here?

7 JUROR [REDACTED]: No, sir.

8 THE COURT: All right, thank you.

9 Yes, ma'am.

10 JUROR [REDACTED]: Number 16, [REDACTED]. Two criminal  
11 cases, Rockingham County mid '90s.

12 THE COURT: I'm sorry, when?

13 JUROR [REDACTED]: In the mid '90s.

14 THE COURT: In the mid '90s. And was the jury in  
15 each of those cases able to reach a verdict?

16 JUROR [REDACTED]: Yes, sir.

17 THE COURT: And anything about that experience which  
18 would make it difficult for you to be fair and impartial here,  
19 Ms. Estep?

20 JUROR [REDACTED]: No.

21 THE COURT: Thank you.

22 Anybody else in the middle? Yes, sir, in the back.

23 JUROR [REDACTED]: 62, [REDACTED]. I served, it was  
24 in Fauquier County as well, criminal case, insurance fraud.

25 THE COURT: All right. And how long ago was it, [REDACTED]

1 [REDACTED] ?

2 JUROR [REDACTED]: It was a long time ago.

3 THE COURT: All right. Is there any reason why --

4 JUROR [REDACTED]: I can't remember the exact date.

5 THE COURT: I'm sorry?

6 JUROR [REDACTED]: I can't remember the exact date, but  
7 it was a long while ago.

8 THE COURT: All right. Were you able to reach a  
9 verdict in the case?

10 JUROR [REDACTED]: Yes, we did.

11 THE COURT: And any reason why that experience would  
12 make it difficult for you to be fair and impartial here?

13 JUROR [REDACTED]: No, sir.

14 THE COURT: All right. Thank you, [REDACTED].

15 All right, far side. Yes, ma'am.

16 JUROR [REDACTED]: Number 63, [REDACTED]. About six  
17 years ago in New York City I served on a civil case, and we  
18 reached a verdict.

19 THE COURT: All right.

20 JUROR [REDACTED]: And then several years back, I can't  
21 remember how long before that, also civil.

22 THE COURT: Okay. And any reason why those  
23 experiences would make it difficult for you to be fair and  
24 impartial here?

25 JUROR [REDACTED]: No, sir.

1 THE COURT: All right. Thank you, [REDACTED].

2 Yes, sir.

3 JUROR [REDACTED]: Number 67, [REDACTED].

4 THE COURT: Right.

5 JUROR [REDACTED]: In early 2000, Fauquier County court,  
6 it was a civil case.

7 THE COURT: All right. Were you able to reach a  
8 verdict?

9 JUROR [REDACTED]: Yes, sir.

10 THE COURT: Any reason why that would make it  
11 difficult for you to be fair and impartial here, sir?

12 JUROR [REDACTED]: No, sir.

13 THE COURT: All right, thank you.

14 All right. Anybody else? Oh, okay. All right, in  
15 the back, please.

16 JUROR [REDACTED]: Number 11, [REDACTED]. I was on a  
17 criminal case in Fairfax County about ten years ago.

18 THE COURT: All right. And were you able to reach a  
19 verdict in the case, [REDACTED]?

20 JUROR [REDACTED]: The judge declared a mistrial, so there  
21 was no verdict.

22 THE COURT: All right. And anything about that  
23 experience which would make it difficult for you to be fair and  
24 impartial here?

25 JUROR [REDACTED]: No, sir.

1 THE COURT: All right, thank you.

2 All right, there was another hand. Yes, sir.

3 JUROR [REDACTED]: Number 14, [REDACTED]. I served on a  
4 criminal case in Michigan state probably in the early '80s, and  
5 we came to a verdict.

6 THE COURT: You were able to come to a verdict, is  
7 that what --

8 JUROR [REDACTED]: Yes, sir.

9 THE COURT: All right. And any reason why that would  
10 make it difficult for you to be fair and impartial in this  
11 case, [REDACTED]?

12 JUROR [REDACTED]: No, sir.

13 THE COURT: All right, thank you.

14 JUROR [REDACTED]: In response to one of the previous  
15 questions, I have had four operations on my eyes, so I have  
16 limited vision. But I don't think that would be a problem. I  
17 can see you.

18 THE COURT: Okay. Well, I have spent a year wearing  
19 a patch myself and driving a motorcycle around, and I scared  
20 people beyond belief. But your depth perception --

21 JUROR [REDACTED]: I am not currently driving.

22 THE COURT: All right. Well, if you have any  
23 difficulty -- if you're seated on the jury and you have any  
24 difficulty, here we just raise our hand. And if a witness  
25 needs to repeat something that they've said already, or for

1 other reasons, do you think that would take care of it, the  
2 issue, [REDACTED]?

3 JUROR [REDACTED]: Certainly.

4 THE COURT: All right, thank you.

5 All right, did I see another hand? Yes, sir.

6 JUROR [REDACTED]: 46, [REDACTED]. I served in about  
7 2010 on a criminal case in Loudoun County Circuit Court. It  
8 was a jury case, it was an acquittal.

9 THE COURT: Okay. And, [REDACTED], any reason why  
10 that experience would make it difficult for you to be fair and  
11 impartial in this case?

12 JUROR [REDACTED]: No.

13 THE COURT: All right, thank you.

14 All right. Anybody else?

15 All right. Here is a multipart question for you, so,  
16 please, listen. And if you answer yes to any of these  
17 multiparts, please let me know.

18 Have you or any member of your family or any close  
19 friend been employed by: A, a law enforcement agency; B, a  
20 prosecutor's office; C, a forensic scientist; D, a correctional  
21 officer; E, a security officer; F, a drug treatment counselor;  
22 or, G, a firearms dealer?

23 Do you want me to repeat that one more time? Okay.  
24 Law enforcement agency. Prosecutor's office. Forensic  
25 scientist. Correctional officer. A security officer. A drug

1 treatment counselor. Or a firearms dealer. You, any member of  
2 your family, or a close friend been employed.

3 Let's start on the side. [REDACTED].

4 JUROR [REDACTED]: My sister-in-law is an attorney, she  
5 works -- I know she works, Your Honor, for D.C. in the  
6 Immigration Department.

7 THE COURT: I'm sorry, say that last part again.

8 JUROR [REDACTED]: She is an assistant lawyer, she is an  
9 attorney.

10 THE COURT: 71.

11 JUROR [REDACTED]: She works in D.C. for Immigration.

12 THE COURT: Okay. And anything that she has shared  
13 with you which would make it difficult for you to be fair and  
14 impartial in this case?

15 JUROR [REDACTED]: I don't think so.

16 THE COURT: All right, thank you.

17 Yes, sir.

18 JUROR [REDACTED]: Yes, I am [REDACTED], number 21. I've  
19 worked for a number of companies that sell into law  
20 enforcement, DEA, others, FBI. And so, I have a few friends  
21 who are in those industries.

22 THE COURT: All right. And what's the nature of the  
23 business?

24 JUROR [REDACTED]: I've done digital forensics through a  
25 company called Cellebrite. I did biometrics, finger-based,

1 iris recognition. I did surveillance and tracking software,  
2 and ballistics matching.

3 THE COURT: All right. Any reason why any of your  
4 associations with the law enforcement agencies would make it  
5 difficult for you to be fair and impartial in this case?

6 JUROR [REDACTED]: No, sir.

7 THE COURT: All right. Thank you, [REDACTED].  
8 Yes, ma'am, in the second row.

9 JUROR [REDACTED]: Number 2, [REDACTED]. I used to work  
10 for 9-1-1 with Fairfax County as a dispatcher and call-taker.

11 THE COURT: All right. And how long ago did you do  
12 that, [REDACTED]?

13 JUROR [REDACTED]: It would have been three years prior to  
14 2012. So it was probably around 2010 to 2012 or so.

15 THE COURT: All right. And that was full-time during  
16 that time period?

17 JUROR [REDACTED]: Yes.

18 THE COURT: All right. And any reason why that  
19 experience would make it difficult for you to be fair and  
20 impartial in this case?

21 JUROR [REDACTED]: No.

22 THE COURT: All right. Thank you, [REDACTED].  
23 Yes, ma'am, in the front row.

24 JUROR [REDACTED]: 61, [REDACTED]. My cousin was a  
25 former District Attorney in New Jersey. He is currently a



1 judge, and his parent was a federal judge.

2 THE COURT: In New Jersey?

3 JUROR [REDACTED]: Yes, sir.

4 THE COURT: All right. And anything that they have  
5 shared with you which would make it difficult for you to be  
6 fair and impartial here?

7 JUROR [REDACTED]: No.

8 THE COURT: All right, thank you very much.

9 Yes, sir.

10 JUROR [REDACTED]: Number 73, [REDACTED]. I went to  
11 school with and my close friend is a drug treatment counselor.  
12 And my brother-in-law is a correctional officer.

13 THE COURT: A correctional officer?

14 JUROR [REDACTED]: Yes.

15 THE COURT: All right. And any reason why anything  
16 that they have shared with you would make it difficult for you  
17 to be fair and impartial here, [REDACTED]?

18 JUROR [REDACTED]: No, sir.

19 THE COURT: All right. Thank you, sir.

20 Anybody else on this side? Yes, ma'am.

21 JUROR [REDACTED]: 51. I worked at the Department  
22 of Justice and Homeland Security.

23 THE COURT: All right. And how long ago?

24 JUROR [REDACTED]: Department of Justice, like 2001  
25 and 2003. And following on to Homeland Security from 2003 to

1 2008.

2 THE COURT: All right. And what did you do with  
3 them?

4 JUROR [REDACTED]: I managed data. So for the  
5 Department of Justice, I supported the case management system.  
6 So all of the pretrial and trial, all the way to pretrial  
7 disposition, all that data. That data, we took that  
8 information and digitized it.

9 And then Homeland Security, all of the port data,  
10 information coming in from, you know, ports of entry, we  
11 managed that information.

12 THE COURT: All right. And any reason why those  
13 employments would make it difficult for you to be fair and  
14 impartial here?

15 JUROR [REDACTED]: No.

16 THE COURT: All right, thank you. [REDACTED],  
17 right?

18 JUROR [REDACTED]: Correct.

19 THE COURT: Yes. All right, thank you.

20 All right. Let's go to the middle then. Anybody in  
21 the middle? Yes, sir.

22 JUROR [REDACTED]: 64, [REDACTED]. I have close  
23 associations with the past director for the Eastern District  
24 Drug Enforcement Agency. And also a couple other friends of  
25 mine are part of DEA.

1 THE COURT: All right. And, [REDACTED], any reason  
2 why that would make it difficult for you to be fair and  
3 impartial in this case?

4 JUROR [REDACTED]: No, Your Honor.

5 THE COURT: All right, thank you. So you knew [REDACTED]  
6 [REDACTED] or --

7 JUROR [REDACTED]: [REDACTED].

8 THE COURT: All right, thank you.

9 All right. Yes, sir, [REDACTED], right?

10 JUROR [REDACTED]: Number 19, [REDACTED]. I was a  
11 first semester intern in the U.S. Attorney's Office in the  
12 Northern District of Illinois in Chicago.

13 THE COURT: All right. And how long ago was that,  
14 sir?

15 JUROR [REDACTED]: That was in 2003.

16 THE COURT: All right. Any reason why that would  
17 make it difficult for you to be fair and impartial here, sir?

18 JUROR [REDACTED]: No, sir.

19 THE COURT: All right, thank you.

20 Yes, ma'am, in the back.

21 JUROR [REDACTED]: 74, [REDACTED]. My father on  
22 behalf of the Coast Guard was the acting attorney back in the  
23 '80s, I believe. And my uncle was a judge in Michigan.

24 THE COURT: All right. Any reason why either of --  
25 anything that either of those persons have talked about and

1 their experiences with you that would make it difficult for you  
2 to be fair and impartial here, [REDACTED]?

3 JUROR [REDACTED]: No, sir.

4 THE COURT: All right, thank you.

5 Yes, sir, on the side.

6 JUROR [REDACTED]: Number 6, [REDACTED]. My wife works  
7 for the Department of Homeland Security.

8 THE COURT: All right. And what does she do there,  
9 [REDACTED]?

10 JUROR [REDACTED]: She is a project manager.

11 THE COURT: Project manager?

12 JUROR [REDACTED]: Yes.

13 THE COURT: And any reason why anything that she has  
14 shared with you would make it difficult for you to be fair and  
15 impartial here?

16 JUROR [REDACTED]: I don't think so, sir.

17 THE COURT: Thank you, [REDACTED].

18 All right. Yes, ma'am.

19 JUROR [REDACTED]: 54, [REDACTED]. Very close dear  
20 friend is a DEA agent in Cartagena currently, Colombia.

21 THE COURT: In where, [REDACTED]?

22 JUROR [REDACTED]: Cartagena, Colombia.

23 THE COURT: Oh, all right. And any reason why what  
24 he or she has shared with you would make it difficult for you  
25 to be fair and impartial here?

1 JUROR [REDACTED]: I believe I can be fair and  
2 impartial.

3 THE COURT: All right. Thank you, [REDACTED].  
4 Anybody else in the middle? Yes, ma'am.

5 JUROR [REDACTED]: Number 34, [REDACTED].

6 THE COURT: Right.

7 JUROR [REDACTED]: My husband works in law enforcement.

8 THE COURT: Okay. And what agency?

9 JUROR [REDACTED]: Fairfax County Sheriff's Office.

10 THE COURT: All right. And any reason why the  
11 information he has shared with you would make it difficult for  
12 you to be fair and impartial here, [REDACTED]?

13 JUROR [REDACTED]: Yes, Your Honor.

14 THE COURT: It would?

15 JUROR [REDACTED]: Yes.

16 THE COURT: All right. Well, you've already got the  
17 kids issue going. So I'm not going to ask you any more.

18 Okay. Anybody else in the middle? Yes.

19 JUROR [REDACTED]: Number 17, [REDACTED]  
20 [REDACTED]. Soon to be brother-in-law is a Madison County  
21 police officer. Best friend and maid of honor is a Prince  
22 William County dispatcher. I have quite a bit of friends who  
23 work at Rappahannock Regional Jail in Stafford County.

24 THE COURT: All right. And any reason why what they  
25 have shared with you would make it difficult for you to be fair

1 and impartial in this case?

2 JUROR [REDACTED]: No, sir.

3 THE COURT: Thank you, [REDACTED].

4 Yes, ma'am.

5 JUROR [REDACTED]: Number 57, [REDACTED]. My son is a  
6 federal police officer with the FBI. And my husband is retired  
7 law enforcement with the Army.

8 THE COURT: With the Army?

9 JUROR [REDACTED]: Yes.

10 THE COURT: And, I'm sorry, your son is an FBI agent  
11 now?

12 JUROR [REDACTED]: He is a federal police officer for the  
13 FBI.

14 THE COURT: Oh, a federal police officer. Here in --

15 JUROR [REDACTED]: At Quantico.

16 THE COURT: At Quantico, [REDACTED]. All right. Any  
17 reason why the experiences that either of those persons have  
18 shared with you would make it difficult for you to be fair and  
19 impartial in this case?

20 JUROR [REDACTED]: No, sir.

21 THE COURT: All right. Thank you, [REDACTED].

22 Anybody else in the middle?

23 All right, let's go to the far side then, please.

24 Yes, sir, in the first row.

25 JUROR 18: Number 18, [REDACTED]

1 THE COURT: Yes.

2 JUROR [REDACTED]: Retired law enforcement after 27 years.  
3 And I spent about eight of that on a narcotics task force.

4 THE COURT: Okay. And I'm sorry, what agency?

5 JUROR [REDACTED]: Loudoun County Sheriff's Office, Your  
6 Honor.

7 THE COURT: All right. And so, you worked in the  
8 narcotics section of the Police Department there or the  
9 Sheriff's Office there?

10 JUROR [REDACTED]: Yes, sir, I did.

11 THE COURT: All right. And any reason why you  
12 couldn't be fair and impartial in this case and judge it just  
13 on the evidence you hear -- the testimony that you hear and the  
14 evidence that you're allowed to review?

15 JUROR [REDACTED]: Quite honestly, Your Honor, I have been  
16 exposed to enough deception that probably not --

17 THE COURT: Okay. All right. Thank you, [REDACTED].

18 JUROR [REDACTED]: -- in the process. Thank you, Your  
19 Honor.

20 THE COURT: Yes, ma'am.

21 JUROR [REDACTED]: Number 23, [REDACTED]  
22 [REDACTED]. I served as a chaplain for the Sheriff's Office  
23 in Fairfax County and Loudoun County.

24 THE COURT: All right. And how long ago was that,  
25 [REDACTED]?



1 JUROR [REDACTED]: That was back in 2000, and it  
2 stopped in 2010.

3 THE COURT: 2000 to 2010?

4 JUROR [REDACTED]: Yes.

5 THE COURT: You were a chaplain and the detention  
6 center there in Fairfax?

7 JUROR [REDACTED]: Yes, under the Good Youth  
8 Ministry, I served with them. And in Loudoun County.

9 THE COURT: All right. Okay. And do you believe you  
10 could be fair and impartial in this case and judge it just on  
11 the testimony that you hear and the evidence that is presented?

12 JUROR [REDACTED]: Yes, sir.

13 THE COURT: All right. Thank you, [REDACTED].

14 MR. WALSH: Your Honor, I apologize, I didn't hear  
15 her number.

16 THE COURT: 23.

17 MR. WALSH: Thank you.

18 THE COURT: Yes, sir.

19 JUROR [REDACTED]: 53, [REDACTED]. My brother is a  
20 police officer in D.C. And my father was a police officer in  
21 D.C. And also a canine officer that trained narcotic dogs.  
22 And my close neighbor for 24 years is a DEA agent.

23 THE COURT: All right. And any reason why you  
24 couldn't be fair and impartial in this case notwithstanding  
25 those --



1 JUROR [REDACTED]: I don't believe so.

2 THE COURT: All right. Thank you, [REDACTED].

3 Yes, ma'am, [REDACTED].

4 JUROR [REDACTED]: Number 63, [REDACTED]. My  
5 sister-in-law just recently retired from the New York City  
6 Police Department.

7 THE COURT: All right. And anything that she shared  
8 with you that would make it difficult for you to be fair and  
9 impartial in this case?

10 JUROR [REDACTED]: No, sir.

11 THE COURT: All right. Thank you, [REDACTED].  
12 Yes, ma'am.

13 JUROR [REDACTED]: 25, [REDACTED]. I work at Quest  
14 Diagnostics, I have a few acquaintances in the forensics  
15 toxicology lab.

16 THE COURT: I'm sorry, you work where?

17 JUROR [REDACTED]: Quest Diagnostics.

18 THE COURT: Okay.

19 JUROR [REDACTED]: So there is forensic toxicology lab in  
20 there, and I have a few acquaintances there, but they probably  
21 are not --

22 THE COURT: Okay. Your voice keeps drifting off on  
23 me. And I apologize.

24 JUROR [REDACTED]: There is a forensic toxicology lab in  
25 there, and I just have a few acquaintances there, but I don't

1 really think --

2 THE COURT: Okay. Any reason why that would make it  
3 difficult for you to be fair and impartial here?

4 JUROR [REDACTED]: No.

5 THE COURT: Thank you, [REDACTED].

6 Yes, sir.

7 JUROR [REDACTED]: Number 49, [REDACTED]. My  
8 father works for the Department of the Navy in the Navy Yard  
9 running security and emergency operations. He also used to  
10 work at the Pentagon Force Protection Agency pretty much doing  
11 the same thing. And he is retired Navy. I don't know if that  
12 counts.

13 THE COURT: Any reason why his experiences that he  
14 has shared would make it difficult for you to be fair and  
15 impartial here?

16 JUROR [REDACTED]: No, sir.

17 THE COURT: All right. Thank you, [REDACTED].

18 Yes, sir.

19 JUROR [REDACTED]: Number 27, [REDACTED].

20 THE COURT: Yes, sir.

21 JUROR [REDACTED]: My father was a police officer in --

22 THE COURT REPORTER: A police officer where?

23 JUROR [REDACTED]: Boston.

24 THE COURT: I would have guessed that. Any reason  
25 why his experiences would make it difficult for you to be fair

1 and impartial here, [REDACTED]?

2 JUROR [REDACTED]: No, Your Honor.

3 THE COURT: Thank you, sir.

4 Anybody else? Yes, sir.

5 JUROR [REDACTED]: 39, [REDACTED]. My stepfather  
6 was a budget officer for the DEA.

7 THE COURT: Was what type of officer?

8 JUROR [REDACTED]: Finance officer.

9 THE COURT: A financial officer. And, [REDACTED],  
10 any reason why that would make it difficult for you to be fair  
11 and impartial here?

12 JUROR [REDACTED]: No.

13 THE COURT: Thank you, sir.

14 Anybody else? Yes, [REDACTED].

15 JUROR [REDACTED]: Number 14, [REDACTED]. My  
16 daughter-in-law was a prosecutor, I think in the state of  
17 Nevada a number of years ago. She currently works with the  
18 U.S. Institute of Peace here in D.C.

19 THE COURT: The Institute of Peace here in D.C.?

20 JUROR [REDACTED]: Yes.

21 THE COURT: All right. And any reason why the  
22 information she has shared with you would make it difficult for  
23 you to be fair and impartial here, sir?

24 JUROR [REDACTED]: No, sir.

25 THE COURT: All right. Thank you, [REDACTED].

1 Yes, sir.

2 JUROR [REDACTED]: Number 35, [REDACTED]. My  
3 brother-in-law was a former U.S. Customs agent.

4 THE COURT: A Customs agent?

5 JUROR [REDACTED]: Yes.

6 THE COURT: And where did he serve, if you recall?

7 JUROR [REDACTED]: He was in New York, primarily JFK?

8 THE COURT: All right. And how long ago was that?

9 JUROR [REDACTED]: About 15 years ago.

10 THE COURT: All right. [REDACTED], any reason why  
11 the information he has shared would make it difficult for you  
12 to be fair and impartial in this case?

13 JUROR [REDACTED]: No.

14 THE COURT: All right. Thank you, sir.

15 Would any of you give greater weight to the testimony  
16 of a law enforcement officer over say a lay witness simply  
17 because of their employment as a law enforcement officer?

18 Do any of you --

19 THE COURT SECURITY OFFICER: Judge, one more.

20 THE COURT: I'm sorry.

21 JUROR [REDACTED]: 39, [REDACTED]. I think I  
22 would.

23 THE COURT: Well, if I instruct you that all  
24 witnesses must be judged for their credibility and weighed  
25 individually by you regardless of whether they are experts, or

1 they are law enforcement, or what type of experiences they  
2 have, will you follow that instruction, [REDACTED]?

3 JUROR [REDACTED]: Yes.

4 THE COURT: All right. Thank you, sir.

5 Yes, [REDACTED].

6 JUROR [REDACTED]: On the case I served on in Washington  
7 state, the police officer's testimony did not agree with his  
8 reports. So I would go the opposite way. I'm not sure you can  
9 trust anybody.

10 THE COURT: All right. Well, yeah, having -- that's  
11 why you-all are here, is to judge the credibility of each of  
12 our witnesses and base your verdict, once you judge the  
13 credibility of each witness and give the witness the weight  
14 that you believe that testimony deserves, regardless of the  
15 individual characteristics, whether they're an expert, or  
16 whether they're law enforcement, or whether they're relatives,  
17 whatever it may be, that's what judging the evidence is all  
18 about.

19 So, do you have any problem with independently  
20 reviewing the testimony of each of our witnesses, [REDACTED], and  
21 making a decision based on those credibility findings?

22 JUROR [REDACTED]: No.

23 THE COURT: All right, thank you.

24 All right. Do you or any member of your family have  
25 any legal training or background, legal secretary, lawyer,

1 paralegal?

2 Let's start over on the left side. Yes, [REDACTED]

3 [REDACTED]

4 JUROR [REDACTED]: My uncle is an attorney.

5 THE COURT: All right. And what kind of law does he  
6 practice?

7 JUROR [REDACTED]: Malpractice.

8 THE COURT: All right. So the civil side work. So  
9 no problem with any conflicts. Thank you, [REDACTED].

10 [REDACTED].

11 JUROR [REDACTED]: Yeah, number 39. My brother is an  
12 attorney for the Maritime Administration of the Department of  
13 Transportation.

14 THE COURT: The Maritime section of --

15 JUROR [REDACTED]: Maritime Administration.

16 THE COURT: Of TSA?

17 JUROR MCSHANE: Department of Transportation.

18 THE COURT: Department of Transportation. All right.  
19 And anything that he has shared with you that would make it  
20 difficult for you to be fair and impartial, sir?

21 JUROR [REDACTED]: No, sir.

22 THE COURT: Thank you, [REDACTED].

23 Yes, sir.

24 JUROR [REDACTED]: Number 15, [REDACTED]. My mother was  
25 a legal secretary to Justice White and Justice Brennan in the

1 Supreme Court for many years.

2 THE COURT: Oh, what an interesting job.

3 JUROR [REDACTED]: Yes. She has been retired for a long  
4 time.

5 THE COURT: All right. And anything that she shared  
6 with you which would make it difficult for you to be fair and  
7 impartial here, sir?

8 JUROR [REDACTED]: No, sir, not at all.

9 THE COURT: All right. Thank you, [REDACTED].  
10 Anybody else on this side? Yes.

11 JUROR [REDACTED]: 61. My cousin is a judge, federal  
12 judge.

13 THE COURT: Right, as you said. Any problem serving  
14 with that?

15 JUROR [REDACTED]: No.

16 THE COURT: All right. Thank you, [REDACTED].  
17 Anybody in the middle? Yes.

18 JUROR [REDACTED]: 58. I'm an attorney.

19 THE COURT: All right. What kind of law do you  
20 practice?

21 JUROR [REDACTED]: Currently financial, banking.

22 THE COURT: All right. Have you in the past done any  
23 criminal defense work or work in a prosecutor's office?

24 JUROR [REDACTED]: No, public defender system.

25 THE COURT: Public defender's office. How long ago

1 was that?

2 JUROR [REDACTED]: Oh, gosh. Probably like 25 years ago.

3 THE COURT: All right. Any reason why those  
4 experiences would make it difficult for you to be fair and  
5 impartial in this case?

6 JUROR [REDACTED]: No.

7 THE COURT: All right, thank you.

8 Yes, ma'am, in the middle.

9 JUROR [REDACTED]: 13, [REDACTED]. My uncle was a  
10 patent attorney here in this area.

11 THE COURT: All right. [REDACTED], any reason why  
12 that would make it difficult for you to be fair and impartial  
13 here?

14 JUROR [REDACTED]: No, sir, nothing at all.

15 THE COURT: Thank you, [REDACTED].

16 Yes, ma'am.

17 JUROR [REDACTED]: Number 10, [REDACTED]. My  
18 husband is a lawyer.

19 THE COURT: All right. And what kind of law does he  
20 practice?

21 JUROR [REDACTED]: He is assistant general counsel to  
22 General Dynamics.

23 THE COURT: To General Dynamics. All right. And any  
24 reason why his job and what he has told you about his work  
25 would make it difficult for you to be fair and impartial in



1 this case?

2 JUROR [REDACTED]: No, sir.

3 THE COURT: All right. Thank you, [REDACTED].

4 Yes, ma'am, on the side.

5 JUROR [REDACTED]: Number 36, [REDACTED]. I'm  
6 an attorney, and my husband is as well.

7 THE COURT: All right. And what type of law do you  
8 each practice?

9 JUROR [REDACTED]: I do health care law, mostly on the  
10 policy side. And my husband, he works for the Patent Office  
11 just next door, he is a patent examiner.

12 THE COURT: All right. And any reason why either of  
13 your occupations would make it difficult for you to be fair and  
14 impartial here, [REDACTED]?

15 JUROR [REDACTED]: No, sir.

16 THE COURT: Thank you.

17 Yes, [REDACTED].

18 JUROR [REDACTED]: Number 19, [REDACTED]. I am an  
19 attorney. And my wife is also an attorney.

20 THE COURT: Right. And what kind of law do you each  
21 practice?

22 JUROR [REDACTED]: My wife is an attorney at the  
23 Federal Trade Commission, practicing antitrust law. And I  
24 recently began a private practice and am working in banking and  
25 financial fitness.

1 THE COURT: All right. Any reason why either of  
2 those occupations would make it difficult for you to be fair  
3 and impartial here?

4 JUROR [REDACTED]: No.

5 THE COURT: Thank you, [REDACTED].

6 Anybody else in the middle? Yes, ma'am.

7 JUROR [REDACTED]: 74, [REDACTED].

8 THE COURT: Right.

9 JUROR [REDACTED]: In addition to what I have already  
10 mentioned of my father in the Coast Guard and my uncle as a  
11 judge, my uncle's daughter, my cousin, is a lawyer.

12 THE COURT: Okay. And again, any reason why any of  
13 those persons sharing any information would make it difficult  
14 for you to be fair and impartial?

15 JUROR [REDACTED]: No.

16 THE COURT: All right. Thank you, [REDACTED].

17 Anybody else in the middle? Yes, [REDACTED].

18 JUROR [REDACTED]: 34, [REDACTED]. My brother-in-law is  
19 a lawyer in New York. I'm not sure what type of lawyer. And  
20 that would have no impact on me.

21 THE COURT: Okay. Thank you, [REDACTED].

22 All right, on the side. Yes, [REDACTED].

23 JUROR [REDACTED]: Number 63, [REDACTED]. I am a  
24 legal secretary.

25 THE COURT: Right. And what type of practice do you

1 work in?

2 JUROR [REDACTED]: Currently environmental law.

3 THE COURT: All right. And did you work in the  
4 criminal defense area or prosecution area in the past?

5 JUROR [REDACTED]: No.

6 THE COURT: All right. Any reason why that would  
7 make it difficult for you to be fair and impartial here, [REDACTED]  
8 [REDACTED]?

9 JUROR [REDACTED]: No, sir.

10 THE COURT: Thank you.

11 Yes, sir, [REDACTED], right.

12 JUROR [REDACTED]: Number 27, [REDACTED]. I'm a  
13 lawyer.

14 THE COURT: And what kind of law do you practice,  
15 sir?

16 JUROR [REDACTED]: Civil litigation.

17 THE COURT: All right. Have you done criminal  
18 defense or prosecution work in the past?

19 JUROR [REDACTED]: No, Your Honor.

20 THE COURT: Any reason why that would make it  
21 difficult for you to be fair and impartial here?

22 JUROR [REDACTED]: No, Your Honor.

23 THE COURT: Thank you, [REDACTED].

24 Anybody else? Yes, [REDACTED].

25 JUROR [REDACTED]: My wife worked as a legal secretary in

1 Columbus probably in the late '80s. I think it was civil, I  
2 believe, for a couple of attorneys.

3 THE COURT: Civil practice? I'm sorry, I didn't your  
4 last --

5 JUROR [REDACTED]: I say, she worked for two lawyers, and  
6 they did I think just civil cases, they worked on those type of  
7 cases.

8 THE COURT: All right. Anything that she has shared  
9 with you which would make it difficult for you to be fair and  
10 impartial?

11 JUROR [REDACTED] No, sir.

12 THE COURT: All right. Thank you, [REDACTED].

13 Anybody else?

14 I have got a couple of questions that I'm going to  
15 invite you to come to the sidebar about. They may require you  
16 to impart some personal information. And in an abundance of  
17 caution, I want to make sure that that is received in  
18 confidence at the sidebar.

19 So please listen to this series of questions. And  
20 I'll do my best to repeat them. Have you or any member of your  
21 family or close friend been the victim of a crime, including a  
22 crime involving a weapon?

23 Second, have you ever been involved in any court in a  
24 criminal matter that concerned yourself or a member of your  
25 family or close friend either as a defendant, a witness, or a

1 victim?

2 Have any of you or family members participated in  
3 substance abuse treatment?

4 And are there any of you that have or -- any of you  
5 that have been affected by either drugs or firearms to the  
6 extent that you believe that you could not be fair and  
7 impartial as a juror in this case?

8 So if your answer is yes to any of those questions,  
9 if you would follow Mr. Ruelas' lead and line up.

10 And then I'll ask counsel to come to sidebar, please.

11 NOTE: A sidebar discussion is had between the Court  
12 and counsel out of the hearing of the jury panel as follows:

13 AT SIDEBAR

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED] [REDACTED]  
19 [REDACTED] [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

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22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED] [REDACTED]  
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23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED] [REDACTED]

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4 [REDACTED] [REDACTED]

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19 [REDACTED] [REDACTED]

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22 [REDACTED] [REDACTED]

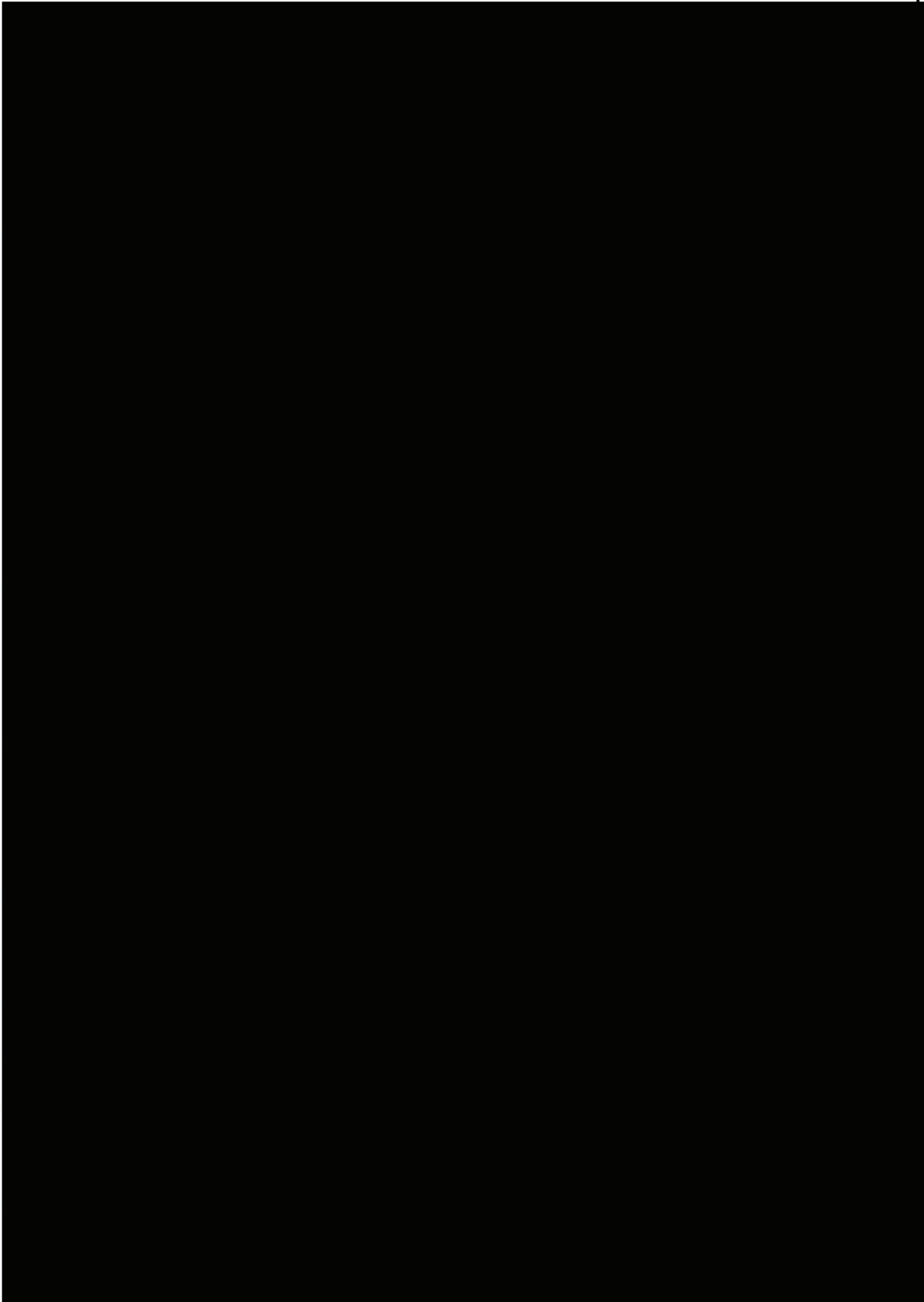
23 [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]



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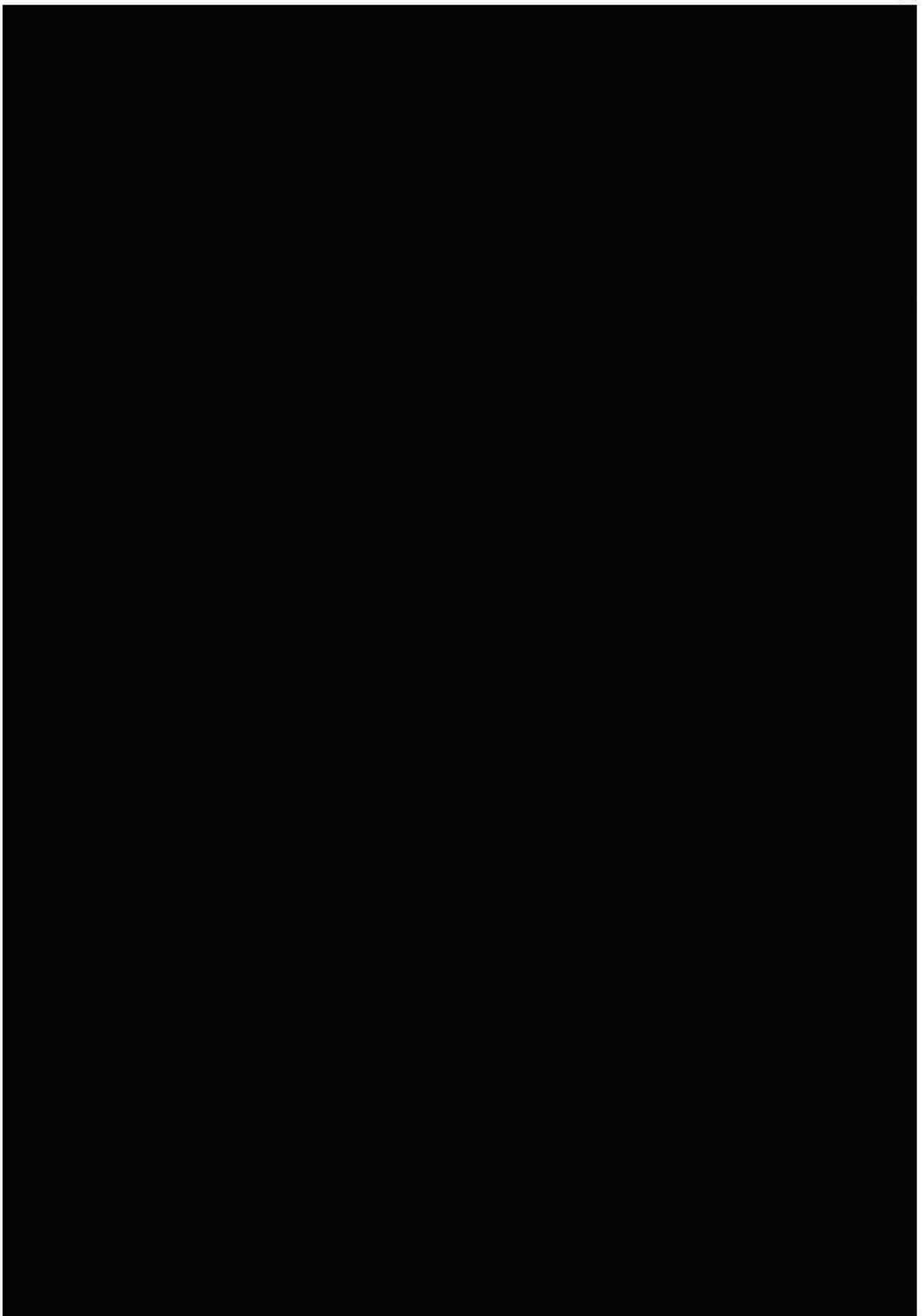
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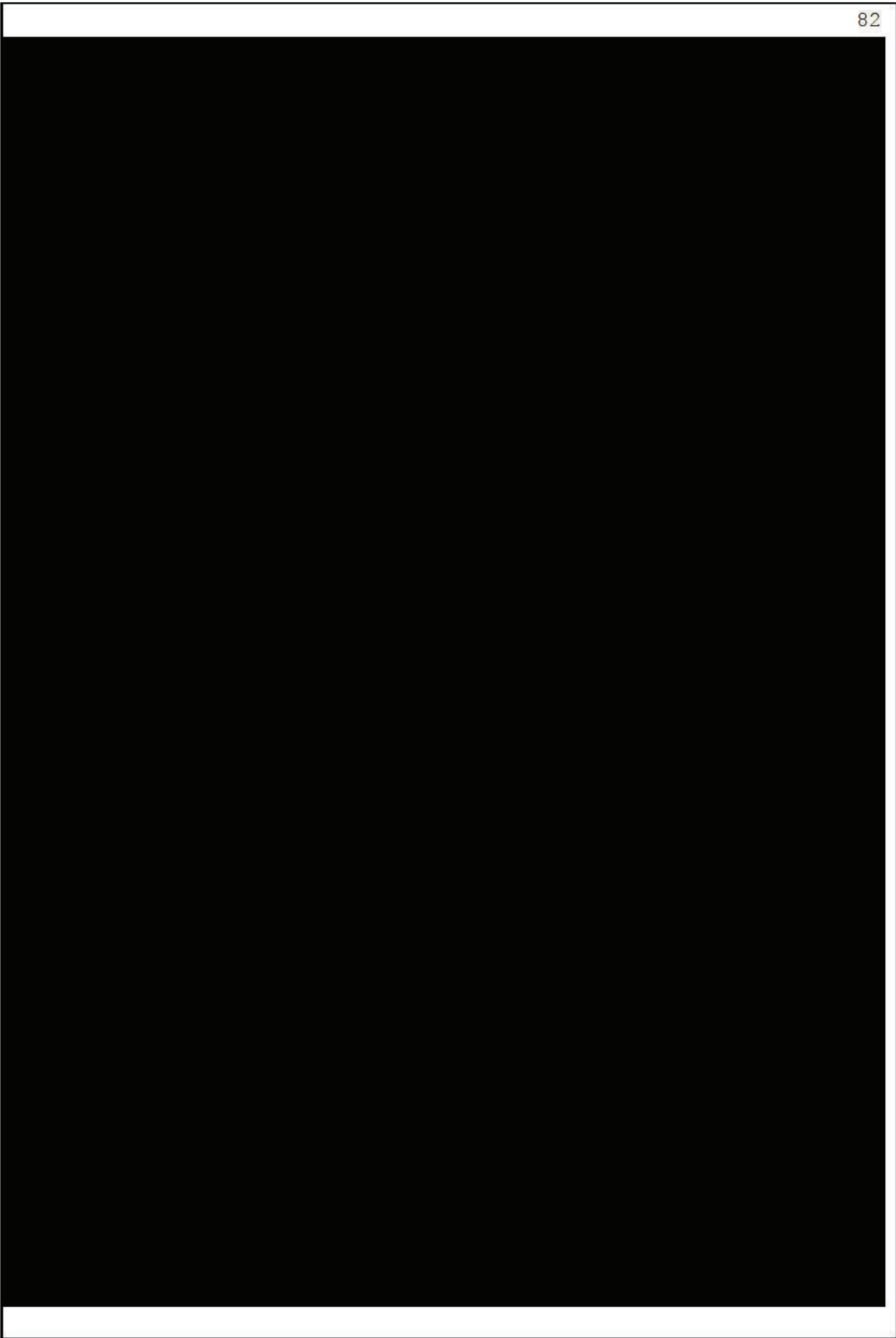
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23 NOTE: The sidebar discussion is concluded; whereupon  
24 the case continues before the jury panel as follows:  
25 BEFORE THE JURY PANEL

1           THE COURT: All right. Thank you, ladies and  
2 gentlemen. I touched on it with the last questions that I have  
3 asked you which resulted in your coming to the sidebar. But  
4 more generally, are there any members of the panel who believe  
5 that the testimony that you'll hear about weapons and violence  
6 and murders and drugs, do any of you believe that just based on  
7 that alone you cannot be fair and impartial and judge this case  
8 just based on the evidence that you hear and the law that I  
9 give you?

10           Mr. Fagot-Maximo is from Honduras, and many of the  
11 Government's witnesses are also from Honduras. Does any member  
12 of the panel believe that he or she cannot be fair and  
13 impartial because of any media coverage of the migrants coming  
14 from Central America that you've heard about on the news coming  
15 in through Mexico who are now on the border? Any reason why  
16 that would cause any of you to be unable to be fair and  
17 impartial in this case?

18           Almost all of the witnesses will testify through an  
19 interpreter, and their first language is Spanish. Does anybody  
20 have difficulty with being able to listen to the -- carefully  
21 listen to the testimony of the interpreter and judge the  
22 testimony through the use of the interpreter without any kind  
23 of bias or prejudice?

24           For those who may be fluent in Spanish, the witnesses  
25 will testify in Spanish. We have professional certified

1 interpreters who will translate into English. And there may be  
2 differences in -- we would believe not, but there may be  
3 differences in what you hear in Spanish as someone fluent in  
4 Spanish versus what the interpreter translates into English.  
5 You are required, even though you're fluent in Spanish, to  
6 accept the interpreter's English language translation.

7 Do any of you believe that you would have trouble  
8 doing that?

9 You may hear, or may not, but in an abundance of  
10 caution, the name El Chapo come up. It's a nickname used.  
11 There is a case in New York now going on with an individual  
12 named El Chapo. Has anybody followed that case? Yes.

13 There won't be any testimony coordinating that case  
14 with this case, and there may not be any reference but of a  
15 distant family member. Would anybody have any difficulty  
16 putting any information that you have received on the El Chapo  
17 case aside and judging the case just based on what you hear in  
18 the courtroom here and the evidence and the law that I give  
19 you?

20 Okay. Do all of you -- let me say it this way. An  
21 indictment, which I have referenced in the beginning of our  
22 voir dire this morning, is a formal means by which the  
23 Government charges a defendant in a case. It's not evidence  
24 against the defendant. It is the legal vehicle through which  
25 charges are brought through a grand jury.

1 Do any of you believe that a defendant who has been  
2 indicted must be guilty of something or else he wouldn't have  
3 been charged?

4 In other words, are you all willing to put aside the  
5 fact that someone may have been formally charged and judge the  
6 guilt or innocence of Mr. Fagot-Maximo just based on the  
7 evidence you hear in the courtroom and the law that I give you?

8 Are any of you sensible to any bias or prejudice  
9 against the United States or the defendant that would make it  
10 difficult for you to be fair and impartial in this case?

11 Do you all understand that the defendant is presumed  
12 to be innocent?

13 Do you understand the Government must prove the  
14 defendant's guilt beyond a reasonable doubt?

15 Do you understand that the defendant is not required  
16 to produce any evidence?

17 All right. Let me see counsel at sidebar then.

18 NOTE: A sidebar discussion is had between the Court  
19 and counsel out of the hearing of the jury panel as follows:

20 AT SIDEBAR

21 THE COURT: All right. First, any additional  
22 questions that you think I should have asked but didn't? I  
23 think I pretty much covered the questions.

24 MR. PETROVICH: The only thing that came to my mind  
25 is some of the jurors may have sat on juries before, only civil

1 cases. Sometimes it's confusing because the burden of proof is  
2 different in a civil case than a criminal case. I guess that  
3 was one question I would follow up on just to make sure they  
4 understand there is different burdens.

5 THE COURT: I will make that clear to them in my  
6 initial instructions after we seat them.

7 MR. PETROVICH: Okay.

8 THE COURT: Then let's go with excuses for cause.  
9 Mr. Trump.

10 MR. TRUMP: Do you want to go through the conflict  
11 issue first? Because that may eliminate argument over cause  
12 with respect to some of them.

13 THE COURT: All right.

14 MR. TRUMP: First was number 54.

15 THE COURT: Worship services. We have got two  
16 different worship services. But she's also, I believe,  
17 conflicted out by the murder.

18 MR. WALSH: Yes.

19 THE COURT: So let's excuse 54.

20 MR. TRUMP: Number 71 has a prepaid trip, and I think  
21 you've already excused her anyway.

22 MR. WALSH: [REDACTED].

23 THE COURT: [REDACTED], yeah.

24 MR. TRUMP: Number 17 has a business trip.

25 THE COURT: She has also got the -- 17 is [REDACTED]

1 [REDACTED].

2 MR. TRUMP: Or, excuse me, she has a business at  
3 night.

4 THE COURT: She has a second job that she works every  
5 night. Any objection to excusing her?

6 MR. WALSH: No objection.

7 THE COURT: 17 is excused.

8 [REDACTED] is 19, he has got the business trip next  
9 Monday in Florida where he's meeting somebody from overseas.  
10 Is there any objection?

11 MR. WALSH: No objection.

12 MR. TRUMP: We're a little worried about our numbers,  
13 Judge, but --

14 MR. WALSH: Number 7 is --

15 MR. TRUMP: Let's stay on number 19 for a second,  
16 please.

17 THE COURT: Hold on.

18 MR. TRUMP: I don't know if he said that he was  
19 essential or not. I guess if he is, I have no problem striking  
20 him, but I'm a little worried about our numbers.

21 THE COURT: Let's see where we are at the end of the  
22 day. We will hold on to him.

23 MR. WALSH: I think 19 said Monday, business trip,  
24 Florida, that he had to go down for.

25 THE COURT: Okay.



1 MR. TRUMP: Number 34. I think she had also said she  
2 could not be fair in any way.

3 THE COURT: Yes. Any objection to excusing 34?

4 MR. WALSH: No objection.

5 THE COURT: 34 is out.

6 MR. TRUMP: Number 60 has child care through next  
7 Thursday, which I think is sufficient.

8 THE COURT: Yeah.

9 MR. TRUMP: Number 53 is working out of state.

10 THE COURT: Yeah, he has got Eastern Maryland all  
11 next week on a construction site. I think they can get along  
12 without him, if necessary. But do you want to excuse him or  
13 not?

14 MR. WALSH: I think we should excuse him. He made a  
15 comment that I am not sure the Court heard about he would like  
16 to get out, but he has to be there. A comment of some sort,  
17 something like that. He got a chuckle.

18 THE COURT: Any objection to excusing 53?

19 MR. TRUMP: Again, I don't think it was unequivocal  
20 that he was essential.

21 THE COURT: Yeah, he's on a team. All right, we will  
22 hold on to 19 and 53 for now, see where our numbers are.

23 MR. TRUMP: Number 67 has a contract out of state  
24 next week.

25 THE COURT: Yeah, Michigan.

1 MR. WALSH: Michigan and San Diego for the Marines.

2 THE COURT: Yeah. Any objection to excusing him?

3 MR. WALSH: No objection.

4 THE COURT: I think it was a firm commitment. 67.

5 MR. TRUMP: Number 24 has a trip to Florida that is  
6 continuing education for his license.

7 MR. WALSH: For his licensed engineer education.

8 THE COURT: Is there any objection to excusing -- I  
9 wasn't sure whether that was an excuse that he just thought up  
10 on the moment or whether that was legit. But it was CLE for  
11 his civil --

12 MR. PETROVICH: Civil engineering continuing  
13 education.

14 THE COURT: All right. Any objection to excusing  
15 him?

16 MR. WALSH: No objection.

17 THE COURT: Let's excuse 24.

18 MR. TRUMP: Number 30 has a doctor's appointment next  
19 Wednesday morning.

20 MR. WALSH: Did she say next Wednesday or Wednesday  
21 of the following week?

22 MR. TRUMP: This Wednesday?

23 THE COURT: Yeah, but it was just a follow-up to --

24 MR. WALSH: I don't know if it was a follow-up. I  
25 think what she did is she said she gave blood then to go to the

1 doctor's appointment. And so, she gave blood beforehand. But  
2 I don't know if she said it was this Wednesday or next  
3 Wednesday. I just had Wednesday written down.

4 THE COURT: She can reschedule that one. I'm not  
5 going to excuse her for that.

6 MR. TRUMP: Number 7 is the auto mechanic.

7 MR. WALSH: That's the one that I was going to talk  
8 about.

9 MR. TRUMP: It's not his hardship, but it's his  
10 business' hardship.

11 THE COURT: Yeah. My fear is that he is going to  
12 wind up going and working every night after he sits on the jury  
13 all day because of the cars backing up.

14 So is there any objection to excusing him?

15 MR. WALSH: No objection.

16 MR. PETROVICH: No objection.

17 THE COURT: All right, let's excuse him, number 7.

18 MR. TRUMP: Number 1 had something, but I didn't --

19 MR. WALSH: He has a final exam at 6 p.m.

20 MR. TRUMP: Oh, final exam.

21 MR. WALSH: I didn't know if we should address that  
22 as to how serious this exam is. Is it elective? It sounds  
23 like his English is his second language. And he's at NOVA, so  
24 it's probably -- so it could be a conflict. It's a 6 p.m.  
25 test, and I don't know what day of the week it was.

1 THE COURT: Thursday.

2 MR. WALSH: Thursday.

3 MR. PETROVICH: Our concern is him going to be trying  
4 to study during his service and things like that.

5 THE COURT: All right. Any objection to excusing  
6 him?

7 MR. WALSH: No, Your Honor.

8 THE COURT: All right, let's excuse him. I thought  
9 his English was rather limited as well.

10 MR. TRUMP: Number 36 had a flight on December 12,  
11 which should not be a problem.

12 THE COURT: No.

13 MR. TRUMP: 55, I guess if he has no replacement, he  
14 has to work all night. So --

15 THE COURT: Yeah. I've got to think that they can  
16 adjust their schedule there and have somebody else do the work  
17 during the day.

18 I don't know, what do you --

19 MR. WALSH: I was a little confused. He says he is a  
20 auditor at a hotel, it sounds like a small hotel, in Manassas.

21 THE COURT: I think it was several hotels.

22 MR. WALSH: Several hotels?

23 THE COURT: And he works the 11 to 7 shift. So it's  
24 a question of whether he gets any sleep or not. I don't  
25 normally excuse people for that reason, but do you want to see

1 how many we have? And let's add him to our possible list.

2 MR. WALSH: Okay.

3 MR. PETROVICH: 52 was my last one.

4 THE COURT: She's an eighth grade teacher. I believe  
5 they will get along without her.

6 All right, let's go to cause.

7 THE CLERK: What about [REDACTED], who said he can't  
8 speak English.

9 THE COURT: Oh, yeah.

10 MR. WALSH: I have him down, limited English, number  
11 56, [REDACTED].

12 THE COURT: 56. He didn't have too much trouble  
13 answering my questions, but he obviously is uncomfortable. Do  
14 you want to excuse -- any objection to excusing [REDACTED]

15 MR. TRUMP: Which one is that?

16 MR. WALSH: 56.

17 THE COURT: 56. He was the one who stood up and said  
18 he had limited English. Although he understood what I was  
19 saying, he said he wasn't picking it all up. Is that what you  
20 got from him?

21 MR. WALSH: He also didn't answer your question of  
22 how long he was in the country.

23 THE COURT: Yeah, that's true.

24 MR. WALSH: He avoided that.

25 THE COURT: It doesn't matter anymore. It just

1 depends upon what area of the country, I guess, you live in.

2 MR. WALSH: That's true. Do you want to hold onto  
3 him, Judge, just in case?

4 MR. TRUMP: Defer to the Court.

5 THE COURT: All right, let's excuse [REDACTED], 56.

6 MR. TRUMP: So you want our cause strikes now?

7 THE COURT: Yes.

8 MR. TRUMP: I think the last juror, potential juror  
9 number 13, she is just too involved in the criminal justice  
10 process, testifying about substance abuse, mental health  
11 issues. I just don't think she can put that completely aside.  
12 It's just 30 years worth of this stuff.

13 MR. WALSH: That was the Court's most pointed  
14 question when you asked her exactly if she could do that. And  
15 she said she could put it aside.

16 I hesitate on her because she said she spoke for the  
17 prosecution and then came in for the defense. And that was  
18 somewhat neutral. And the Court had the question, can you put  
19 that aside? And she said, yes, I can put it aside.

20 I think there is other jurors that were less secure  
21 in their answers than she was.

22 THE COURT: Okay. Frankly, I'm not sure based on her  
23 answers whether if she had a bias, where it would lead. And it  
24 could be against the defendant versus for the defendant.

25 So I'm not going to excuse 13. Your exception is

1 noted.

2 MR. WALSH: Your Honor, number 16 has a nephew who is  
3 incarcerated for eight years. She said she can be fair. What  
4 concerned me is she said, I think I can, when you asked her if  
5 she could set it aside and be fair and impartial both to the  
6 defendant and the prosecution.

7 THE COURT: The way she said it, I didn't have any  
8 occasion to follow up because I think she said it more like, I  
9 think I can. And so, I didn't -- she is the one that had the  
10 relative with the fentanyl issue as well, the same person.

11 MR. WALSH: Right.

12 MR. TRUMP: Judge, we would --

13 MR. WALSH: We would strike number --

14 THE COURT: Hold on, hold on.

15 MR. TRUMP: We will go through your strikes.

16 THE COURT: Stay on 16. Do you want her struck?

17 MR. TRUMP: I don't think she was so unequivocal that  
18 she should be struck.

19 THE COURT: Okay.

20 MR. WALSH: We won't strike her.

21 THE COURT: I'm sorry?

22 MR. WALSH: We will not strike her. We will withdraw  
23 that.

24 THE COURT: Okay. All right.

25 MR. WALSH: I wanted -- I mean, I didn't mean to

1 interrupt you --

2 MR. TRUMP: No, go ahead, why don't we go through  
3 yours first.

4 MR. WALSH: Well, number 18, I wanted -- I think  
5 it's number 18.

6 THE COURT: He said he could not be fair.

7 MR. WALSH: Right.

8 THE COURT: And that's law enforcement, undercover  
9 guy.

10 MR. WALSH: Which is curious. He said, deception,  
11 I've seen too much deception. I noted that down. So I think  
12 he has to be struck.

13 THE COURT: I'm going to strike him for cause. 18.

14 MR. WALSH: I believe the next one I would have would  
15 be number 39. And the reason why I say that is he said he  
16 would take the law enforcement's testimony over the defendant's  
17 testimony. And then you asked him further. His answer was --  
18 he answered it -- he brought it out for the Court when he said,  
19 I will take law enforcement's testimony over a defendant or  
20 other witness' testimony.

21 The Court then came back and said, can you set that  
22 aside. I don't believe he can.

23 THE COURT: Well, I said, you have to be willing to  
24 judge the credibility of every witness individually based on  
25 their testimony. He said he would.



1 MR. WALSH: I would move to strike him for cause.  
2 When he said that, there really wasn't a question about --  
3 well, it was a question about credibility. And he announced  
4 it, that he would take an officer over another witness.

5 THE COURT: Right.

6 MR. WALSH: So I have reservations about him. I  
7 would move to strike 39.

8 MR. TRUMP: I disagree, Your Honor. You asked the  
9 pointed question and he gave the answer.

10 THE COURT: Yeah. Your exception is noted. I'm not  
11 going to remove [REDACTED] from the panel.

12 MR. WALSH: The next one would be the gentleman that  
13 came up here, I know he said he could set it aside, it was  
14 number 46, [REDACTED]. He talked about the drive-by  
15 shootings. He sounded like it is recent and it has had an  
16 effect. It is a close call with him, I think.

17 THE COURT: The Government's position.

18 MR. TRUMP: We have no objection to [REDACTED].

19 THE COURT: I'm sorry?

20 MR. TRUMP: We have no objection to him. I think he  
21 answered your questions completely, he said he could be fair.

22 THE COURT: Yeah. I mean, he came forward and he was  
23 very candid in identifying more information than was even  
24 requested with him. And at the end of the questioning he was  
25 very clear that he could be fair and impartial.

1           So I'm not going to strike him. Your exception is  
2 noted.

3           MR. WALSH: Thank you. We struck 62 already, didn't  
4 we?

5           MR. TRUMP: No.

6           MR. WALSH: This is the gentleman that said drugs  
7 have altered his life.

8           THE COURT: 62, [REDACTED].

9           MR. WALSH: Yes.

10          THE COURT: He said he couldn't be fair.

11          MR. WALSH: Right.

12          THE COURT: Any objection to striking [REDACTED], 62?

13          MR. WALSH: The gentleman who said his mother  
14 committed suicide.

15          MR. TRUMP: Oh, okay.

16          COURT: Strike 62.

17          71 is [REDACTED], we've already struck her.

18          MR. WALSH: I think that's all I have, Judge.

19          MR. TRUMP: Judge, we would have number 23, she works  
20 extensively in the jail, including Fairfax County Jail.

21          THE COURT: [REDACTED], yeah.

22          MR. TRUMP: Half of our prisoners are in the Fairfax  
23 County Jail right now. Again, it's just -- I don't think she  
24 can divorce her experiences in the jail with prisoners from the  
25 ability to hear testimony from all but one witness who is

1 incarcerated.

2 THE COURT: I hadn't thought about her running into  
3 actual witnesses.

4 MR. WALSH: I would submit, Judge, that the  
5 Government read its list of witnesses and she did not raise her  
6 hand as knowing any of them or seeing any of them. And I would  
7 submit that there has been no testimony or no statements by  
8 her -- not testimony, but statements by her that indicates any  
9 bias or prejudice that she couldn't be fair and impartial and  
10 follow the letter of the law.

11 THE COURT: She did say that. But I'm worried about  
12 her recognizing somebody's face from her work in the jail. And  
13 I hadn't thought about that previously. That concerns me.

14 I'm going to strike her, and your exception is noted.

15 MR. TRUMP: I'm a little confused about number 14,  
16 Judge, because he blurted out a comment that you can't trust  
17 anyone anymore. I don't know what that means.

18 THE COURT: [REDACTED], yeah.

19 MR. TRUMP: We actually had him on our list as an  
20 acceptable juror from the Government's standpoint. But given  
21 his vision issues and that statement that he can't trust anyone  
22 anymore, I'm just worried that he is one of those jurors that  
23 might --

24 THE COURT: Not follow the law.

25 MR. TRUMP: -- not follow the law or just not

1 deliberate collegially.

2 MR. WALSH: I go both ways with him. I didn't hear  
3 any answers that he would be prejudiced, although he  
4 volunteered a lot of things. Mr. Trump is right, I did hear  
5 that comment about trust, but I'm not sure if it goes against  
6 the defendant. That's how I understood it, that he doesn't  
7 trust any defense attorney.

8 MR. TRUMP: I'm not worried about the Court or the  
9 attorneys or perhaps even the witnesses, but he has to sit down  
10 with 11 others and deliberate. And if he can't trust his  
11 fellow jurors, that's to me an issue.

12 MR. WALSH: I'll leave it to the Court's discretion.

13 THE COURT: All right, let's strike [REDACTED], 14.  
14 That answer did concern me. And I, obviously, tried to  
15 rehabilitate him, and I got a chuckle out of him, but I'm not  
16 sure what that meant either.

17 MR. TRUMP: That's it from the Government.

18 MR. WALSH: I think that's all we have. Unless there  
19 is someone else we're missing.

20 THE COURT: Listen carefully. Let's go over the list  
21 one more time from Amanda.

22 MR. TRUMP: Of what's left?

23 THE COURT: No, just the strikes.

24 MR. TRUMP: In order?

25 THE COURT: Yes.

1 THE CLERK: We have 1, 7, 14, 17, 18, 23, 24, 34,  
2 54 --

3 THE COURT: Yes.

4 THE CLERK: 56.

5 THE COURT: Yes.

6 THE CLERK: 62.

7 THE COURT: Yes.

8 THE CLERK: 67. And 71. That leaves us with 52  
9 right now. And then we have the three on hold.

10 THE COURT: All right. Let's excuse 19, 53, and 55  
11 then.

12 MR. TRUMP: 19?

13 THE COURT: [REDACTED] with the travel. 53 is  
14 [REDACTED] going to Maryland, out-of-state work. And 55 is  
15 [REDACTED], who works all night. Okay?

16 MR. TRUMP: Okay.

17 THE COURT: All right. Ready to select our jury? Do  
18 you need a break, or are you --

19 MR. TRUMP: Let's get it over with, Judge.

20 MR. WALSH: Is the interpreter okay?

21 MR. TRUMP: Unless Norman needs a break.

22 THE COURT: No.

23 NOTE: The sidebar discussion is concluded; whereupon  
24 the case continues before the jury panel as follows:

25 BEFORE THE JURY PANEL

1 THE COURT: All right, thank you for your patience,  
2 ladies and gentlemen. That concludes our sidebar and we will  
3 now begin selecting our jury. When you hear your name called,  
4 please come forward and Mr. Ruelas will direct you.

5 I assure you that although we don't have the lottery  
6 balls banging around in that glass oval, that it's a random  
7 selection and that your names are being called out of a bin  
8 which has been shaken up.

9 THE CLERK: Ladies and gentlemen, as I call your  
10 name, would you please come forward and have a seat in the jury  
11 box as instructed by our Court Security Officer.

12 Juror number 2, [REDACTED]. Juror number 52, [REDACTED]  
13 [REDACTED]. Juror number 20, [REDACTED]. Juror number  
14 25, [REDACTED]. Juror number 36, [REDACTED]. Juror  
15 number 70, [REDACTED]. Juror number 27, [REDACTED].  
16 Juror number 10, [REDACTED]. Juror number 15, [REDACTED]  
17 [REDACTED]. Juror number 50, [REDACTED]. Juror number 47,  
18 [REDACTED]. And juror number 48, [REDACTED].

19 NOTE: The lawyers begin to exercise their  
20 strikes.

21 MR. WALSH: Your Honor, may we approach?

22 THE COURT: Yes, sir.

23 NOTE: A sidebar discussion is had between the Court  
24 and counsel out of the hearing of the jury panel as follows:

25 AT SIDEBAR

1 THE COURT: Mr. Walsh.

2 MR. WALSH: Yes, Your Honor. Thank you. The defense  
3 makes a Batson challenge. The only juror struck by the  
4 Government was Hispanic, [REDACTED]. And I would  
5 challenge that as to cause and why that juror was struck under  
6 Batson.

7 THE COURT: Well, do you know anything about [REDACTED]  
8 [REDACTED] other than he has a last name that may be Latin?

9 MR. WALSH: That's my understanding. I can get my  
10 notes. One second.

11 THE COURT: He is number 47, [REDACTED]  
12 [REDACTED].

13 MR. WALSH: No kids, he's pre-school teacher, Judge.  
14 I believe he is a -- he lives in Manassas. I'm not sure, but I  
15 believe he is Hispanic of some nature, that's why I'm raising  
16 the Batson challenge.

17 THE COURT: All right. Mr. Trump.

18 MR. TRUMP: Judge, the first prerequisite for a  
19 successful Batson challenge is a pattern of discrimination, at  
20 least prima facie discrimination based on race. It hardly can  
21 be a pattern with the first strike.

22 Secondly, [REDACTED] is a name that has come up  
23 frequently in this and related investigations. There are many  
24 extended families where that name has arisen. I don't want to  
25 take the chance that out of the blue he recognizes someone or

1 something as being a cousin, uncle, whatever.

2 Perhaps it's a very common name, I don't know, but I  
3 just simply don't want to take the chance that somehow as the  
4 evidence unfolds he realizes that someone that he knows or is  
5 related to is involved.

6 THE COURT: Okay.

7 MR. WALSH: Your Honor, to address the first issue.  
8 The first strike can be a pattern. There is case law on that.  
9 I don't have it with me, however.

10 As to Mr. Trump's explanation, I would just maintain  
11 my Batson challenge. I don't know what their investigation  
12 holds or what names have come up.

13 THE COURT: Well, I have had probably 40 defendants  
14 come out of this conspiracy, and [REDACTED] is clearly a name that  
15 I recognize. I don't know if there is any relation either, but  
16 I think that the explanation is a neutral explanation that is  
17 reasonable in light of the breadth of this case which involves  
18 literally hundreds of people in the Northern Virginia  
19 community.

20 So, your exception is noted.

21 MR. WALSH: Thank you, Your Honor.

22 THE COURT: All right, thank you.

23 NOTE: The sidebar discussion is concluded; whereupon  
24 the case continues before the jury panel as follows:

25 BEFORE THE JURY PANEL



1           NOTE: The lawyers continue to exercise their  
2 strikes.

3           THE CLERK: The following jurors may return to their  
4 seats in the courtroom: Juror number 47, [REDACTED].  
5 Juror number 2, [REDACTED]. Juror number 70, [REDACTED]  
6 [REDACTED]. Juror number 10, [REDACTED]. And juror  
7 number 27, [REDACTED].

8           NOTE: The above-named jurors return to their seats  
9 in the courtroom?

10          THE CLERK: As I call your name, would you please  
11 come forward and have a seat in the jury box as instructed by  
12 our Court Security Officer.

13          Juror number 46, [REDACTED]. Juror number 73,  
14 [REDACTED]. Juror number 72, [REDACTED]. Juror  
15 number 13, [REDACTED]. And juror number 3, [REDACTED].

16          NOTE: The lawyers exercise their strikes.

17          THE CLERK: The following jurors may return to their  
18 seats in the courtroom: Juror number 13, [REDACTED]. Juror  
19 number 73, [REDACTED]. And juror number 46, [REDACTED].

20          NOTE: The above-named jurors return to their seats  
21 in the courtroom.

22          THE CLERK: As I call your name, would you please  
23 come forward and have a seat in the jury box as instructed by  
24 our court Court Security Officer.

25          Juror number 28, [REDACTED]. Juror number 6,

1 [REDACTED]. And juror number 32, [REDACTED].

2 NOTE: The lawyers exercise their strikes.

3 THE CLERK: The following jurors may return to their  
4 seats in the courtroom: Juror number 32, [REDACTED].  
5 And juror number 6, [REDACTED].

6 NOTE: The above-named jurors return to their seats  
7 in the courtroom.

8 MR. TRUMP: Judge, may we approach?

9 NOTE: A sidebar discussion is had between the Court  
10 and counsel out of the hearing of the jury panel as follows:

11 AT SIDEBAR

12 THE COURT: Yes, sir.

13 MR. TRUMP: Judge, six of the eight strikes by the  
14 defense have been women. Gender is a Batson category. And,  
15 frankly, I don't see any objection to the last several, any  
16 reasonable reason to strike the last several jurors.

17 I think they are attempting to have a jury of  
18 predominantly women, which is not -- under Batson would be  
19 precluded.

20 MR. WALSH: I'm not sure I heard what Mr. Trump said  
21 correctly. I'm striking women or I'm not striking women?

22 MR. TRUMP: Six out of your eight strikes have been  
23 men.

24 THE COURT: Oh.

25 MR. WALSH: We can go through them one at a time if

1 the Court wants us to.

2 THE COURT: Go ahead.

3 JUROR WALSH: Yes. Can the Court tell us the number  
4 and then I will explain?

5 THE COURT: Number 2, [REDACTED].

6 MR. WALSH: Number 2, [REDACTED], 9-1-1 call dispatcher  
7 Fairfax County, law enforcement.

8 THE COURT: All right. 70, [REDACTED].

9 MR. WALSH: 70, DEA law enforcement, Arlington County  
10 police officer associated with them.

11 THE COURT: All right. [REDACTED], number 10.

12 MR. TRUMP: That's a woman, number ten.

13 THE COURT: I'm sorry?

14 MR. TRUMP: That's a woman, number 10.

15 THE COURT: I'm sorry. How about --

16 MR. TRUMP: 46, 73 --

17 THE COURT: All right. Okay. I'm sorry, I clearly  
18 reversed my questioning.

19 MR. WALSH: So [REDACTED].

20 THE COURT: Yes.

21 MR. WALSH: His father is a law enforcement officer.  
22 He was a close call. I moved to have him strike for cause  
23 before. His mother was a victim of a drive-by recently.

24 THE COURT: Yes. 27 is [REDACTED], the attorney.

25 MR. WALSH: 27, yes. Yes, his father was Boston law

1 enforcement.

2 THE COURT: Yeah. 30 years ago, that was enough for  
3 you?

4 MR. WALSH: That was enough for me.

5 THE COURT: Okay.

6 MR. WALSH: Next one.

7 MR. TRUMP: 73.

8 THE COURT: Yeah, [REDACTED].

9 MR. WALSH: 73? I will put 73 back in there, I would  
10 love to.

11 THE COURT: You struck 73.

12 MR. TRUMP: You've already struck 73.

13 MR. WALSH: I struck 73, but I'll be honest with you,  
14 I had second reservations once I handed that board up. His  
15 drug treatment, and his brother is a correctional officer. I  
16 felt there was a time with law enforcement -- however, I would  
17 withdraw that, I would love to put him back in.

18 THE COURT: I'm not going to put somebody back in at  
19 this stage.

20 MR. TRUMP: 6 and 32.

21 MR. WALSH: Six, his wife is Department of Homeland  
22 Security.

23 MR. TRUMP: I believe his wife works for Homeland  
24 Security. There is a difference between Homeland Security and  
25 the Homeland Security Office.

1 MR. WALSH: That's true. Still it's law enforcement.  
2 And what was the other one? 32?

3 MR. TRUMP: 32.

4 MR. WALSH: He is a republican, second amendment  
5 supporter, environmental impact, a UPS truck driver. The  
6 Second Amendment concerned me with the guns.

7 MR. TRUMP: Just for the record, I have none of that  
8 information. So it's obvious that they have done a little  
9 research on the jurors, which if they're going to base their  
10 argument on that research, we're entitled to know what it is.

11 MR. WALSH: Well, Judge, I will give him a copy of my  
12 sheet where all the reports are, all the names of the other 70  
13 or 100 defendants that we struck for.

14 THE COURT: All right. Your exemption is noted. I'm  
15 going to allow the jury selection process to proceed.

16 MR. WALSH: Thank you, Your Honor.

17 NOTE: The sidebar discussion is concluded; whereupon  
18 the case continues before the jury panel as follows:

19 BEFORE THE JURY PANEL

20 THE CLERK: As I call your name, would you please  
21 come forward and have a seat in the jury box as instructed by  
22 our Court Security Officer.

23 Juror number 35, [REDACTED]. And juror number  
24 74, [REDACTED].

25 NOTE: The lawyers exercise their strikes.

1 THE CLERK: The following jurors may return to their  
2 seats in the courtroom: Juror number 74, [REDACTED]. And  
3 juror number 35, [REDACTED].

4 NOTE: The above-named jurors return to their seats  
5 in the courtroom.

6 THE CLERK: As I call your name, would you please  
7 come forward and have a seat in the jury box as instructed by  
8 our Court Security Officer.

9 Juror number 68, [REDACTED]. And juror  
10 number 51, [REDACTED].

11 NOTE: The lawyers exercise their strikes.

12 THE CLERK: The following juror may return to their  
13 seat in the courtroom: Juror number 51, [REDACTED].

14 NOTE: The above-named juror returns to her seat in  
15 the courtroom.

16 THE CLERK: As I call your name, would you please  
17 come forward and have a seat in the jury box.

18 Juror number 64, [REDACTED].

19 NOTE: No further strikes are taken of the regular  
20 jury.

21 THE CLERK: As I call your name, would you please  
22 come forward and have a seat in the jury box as instructed by  
23 our Court Security Officer.

24 Juror number 22, [REDACTED]. Juror number 33,  
25 [REDACTED]. Juror number 43, [REDACTED]. And juror

1 number 76, [REDACTED].

2 NOTE: The lawyers exercise their strikes.

3 THE CLERK: The following jurors may return to their  
4 seats in the courtroom: Juror number 22, [REDACTED]. And  
5 juror number 33, [REDACTED].

6 NOTE: The above-named jurors return to their seats  
7 in the courtroom.

8 THE COURT: Any objection to the composition of the  
9 jury?

10 MR. TRUMP: No, good morning.

11 MR. WALSH: No, Your Honor, we are satisfied. Thank  
12 you.

13 THE COURT: All right. Let's swear our jury then.

14 THE CLERK: Would the defendant please rise and face  
15 the jury.

16 Jurors, would you now stand, raise your right hand,  
17 and after the oath is administered respond by stating "I  
18 shall."

19 NOTE: The jury for the case is sworn.

20 THE COURT: All right. Joe, do our remaining jurors  
21 need to go to a different courtroom, sir?

22 COURT SECURITY OFFICER: No, sir, they may go home or  
23 go to work, but they have to call the 866 number after  
24 6 o'clock tonight.

25 THE COURT: All right. Ladies and gentlemen, before

1 you leave, one minute. I want to thank you for coming in this  
2 morning and making yourselves available to sit as jurors. It's  
3 a very, very important responsibility of each one of our  
4 community members.

5 It's also so important to our administration of  
6 justice. It separates us from the rest of the world. There is  
7 nothing better than having members of the community with  
8 experience to bring their knowledge and life-long experiences  
9 to the courtroom here and decide the very important and  
10 difficult decisions that are made here every day.

11 I know I will hear a collective sigh of relief when  
12 you get to the elevators that you haven't been selected, and I  
13 understand that, but I sincerely hope that you'll get the  
14 opportunity to sit sometime in the near future. It's a  
15 wonderful and important experience.

16 All right. Thank you all again. You're excused at  
17 this time.

18 NOTE: Those jurors not selected for jury duty are  
19 excused and leave the courtroom.

20 THE COURT: All right, ladies and gentlemen, I'm  
21 going to excuse you in just a moment so we can have our lunch  
22 break, but let me give you some preliminary instructions, if I  
23 can have your attention for just a couple of minutes.

24 Now that you've been sworn, let me explain how the  
25 case will proceed. First, the Assistant United States Attorney



1 will make an opening statement outlining their case. The  
2 defendant's attorney may also make an opening statement  
3 outlining his case immediately after the Government.

4 In their opening statements, the lawyers will tell  
5 you what they expect the evidence to be, and this should help  
6 you understand the evidence as it is presented through the  
7 witnesses later and make you aware of conflicts and differences  
8 that may arise in the testimony.

9 What counsel say in their opening statements is not  
10 in evidence and you must not consider it as evidence. And  
11 neither side is required to make an opening statement.

12 After opening statements, the Government will present  
13 its witnesses, and counsel for the defendant may cross-examine  
14 them.

15 Following the Government's case, the defendant, may  
16 if he chooses, present witness, whom the Government may then  
17 cross-examine.

18 At the conclusion of all the evidence I will give you  
19 the instructions on the law, and the attorneys will again  
20 present their closing arguments to summarize and interpret the  
21 evidence for you.

22 You will then retire, select a foreperson,  
23 deliberate, and arrive at your verdict.

24 You must not be influenced in any degree by any  
25 personal feeling or sympathy for or prejudice against the

1 Government or the defendant, for each is entitled to the same  
2 fair and impartial consideration.

3 As I indicated, I will give you instructions on the  
4 law at the end of the case more fully, but let me give you some  
5 preliminary instructions now. And it's your duty to follow the  
6 law whether you agree with or not.

7 It's also your duty to determine the facts from the  
8 evidence and the reasonable inferences arising from such  
9 evidence. And in doing so, you must not engage in guesswork or  
10 speculation.

11 The evidence from which you will find the facts  
12 consists of the testimony of the witnesses, documents and other  
13 exhibits entered into evidence, and any facts that the lawyers  
14 agree to or stipulate to or that I instruct you to find.

15 The admission of evidence in court is governed by  
16 rules of law that have been developed over many years. And the  
17 purpose of these rules of evidence is to protect the fairness  
18 and the accuracy of the fact-finding process in which you are  
19 engaged.

20 From time to time it may be the duty of the lawyers  
21 to make objections. It is my duty to rule on those objections  
22 and determine whether you can consider certain evidence. Do  
23 not concern yourself with any objection or hold it against the  
24 side making an objection.

25 If an objection is overruled, treat the answer like

1 any other. If you're instructed that some item of evidence is  
2 received for a limited purpose only, you must follow that  
3 instruction.

4 Statements, arguments, questions by lawyers are not  
5 evidence. You must not consider testimony or exhibits to which  
6 an objection was sustained or which have been ordered stricken.  
7 Nor should you consider anything you may have seen or heard  
8 outside of the courtroom. You are to decide this case solely  
9 on the evidence presented here in the courtroom.

10 There are two kinds of evidence, direct and  
11 circumstantial. Direct evidence is a direct proof of a fact,  
12 such as testimony of an eyewitness.

13 Circumstantial evidence is proof of facts from which  
14 you may infer or conclude that other facts exist.

15 I will give you further instructions on these rules,  
16 but keep in mind you may consider both kinds of evidence.

17 After the conclusion of all the evidence and after I  
18 have read the instructions of law to you, the closing arguments  
19 will be made and the lawyers will refer to testimony that you  
20 heard. Here again, what the lawyers say in their closing  
21 arguments is not evidence. Their statements are only their  
22 personal recollection of the evidence.

23 It's important for you to keep in mind that no  
24 statement, or ruling, or remark that I make during the course  
25 of this trial is intended to indicate my opinion of the facts.

1 You are to determine the facts of the case. In that  
2 determination, you alone must decide the believability of the  
3 evidence and the weight and its value.

4 In considering the weight and value of the testimony  
5 of any witness, you may take into consideration the appearance,  
6 attitude, and behavior of the witness, the interest of the  
7 witness in the outcome of the trial, the relation of the  
8 witness to any party in the case, the inclination of the  
9 witness to speak truthfully or not, the probability or  
10 improbability of the witness' statement, and all other facts  
11 and circumstances that are in evidence.

12 Thus, you may give the testimony of any witness such  
13 weight and value as you may determine that that testimony is  
14 entitled to receive.

15 Pay careful action to the testimony of the witnesses  
16 because, contrary to what you've seen on television, it's not  
17 possible to call witnesses back or read their testimony to you  
18 while you are deliberating.

19 As you know, this is a criminal case, and there are  
20 three basic rules about criminal cases. First, the defendant  
21 is presumed innocent until proven guilty. The indictment  
22 against the defendant brought by the Government is only an  
23 accusation, nothing more. It is not proof of guilt or anything  
24 else. The defendant, therefore, starts out with a clean slate.

25 Second, the burden of proof is on the Government

1 until the very end of the case. The defendant has no burden to  
2 prove his or her innocence, or to present any evidence, or to  
3 testify. Since the defendant has the right to remain silent,  
4 the law prohibits you from arriving at your verdict by  
5 considering that the defendant may not have testified.

6 Third, the Government must prove the defendant's  
7 guilt beyond a reasonable doubt. I will give you further  
8 instructions on this later. But bear in mind, in this respect  
9 a criminal case is different than a civil case. The burdens of  
10 proof are higher in a criminal case than in a civil case.

11 Until this case is submitted to you for deliberation,  
12 you must not discuss the case among yourselves or with anyone  
13 else, and you must not remain within hearing distance of anyone  
14 who is discussing the case.

15 To avoid the possible appearance of impropriety, I  
16 strongly urge that until the case is concluded you should not  
17 talk at all with anyone connected with the case as a party,  
18 witness, attorney, or me as the judge. We may see each other  
19 in the courtroom, or we may see each other in the elevators, or  
20 outside the front of the building, and if counsel in the case  
21 looks the other way when they see you in the elevator instead  
22 of greeting you, it's because we very zealously protect the  
23 privacy interests of our jurors, and they have been instructed  
24 not to do anything more than nod a head in acknowledgment to  
25 you.

1 Do not read or listen to anything touching on this  
2 case. If anyone should try to talk to you about it, bring it  
3 to my attention immediately. Do not do any research or  
4 investigate the case on your own.

5 After the case has been submitted to you, you must  
6 discuss the case only in the jury room when all members of the  
7 jury are present. You are to keep an open mind and you should  
8 not decide any issue in this case until the case is submitted  
9 to you for deliberation under the instructions. Remember,  
10 there are two sides to every story.

11 If you wish, you may take notes. If you do, leave  
12 them in the jury room when you leave at night. And remember  
13 that they are for your own personal use, they are not to be  
14 given or read to anyone else.

15 When you are excused for court recesses or other  
16 legal matters, please go directly to the jury room. You will  
17 find restrooms and telephone there for your use. Make  
18 yourselves comfortable, and we'll get you back in the courtroom  
19 as soon as we're able to.

20 If you have any other needs during the course of the  
21 trial, Mr. Ruelas is in your good hands and he will do his very  
22 best to make your stay here as comfortable as possible.

23 I'm going to order a rule on witnesses which will  
24 require fact witnesses to remain outside of the courtroom so  
25 that they are not listening to the testimony of other witnesses

1 which might affect their own testimony. And part of that rule  
2 on witnesses will be that they remain outside in the witness  
3 room until they are called. That they not discuss the case or  
4 the testimony that they have given with other witnesses or any  
5 other party during the course of the trial.

6 All right. I'm going to excuse you now for an hour.  
7 We will come back at 2:40. We will hear opening statements at  
8 that time. And we will go until 5:30, about 5:30. Is that all  
9 right with everybody?

10 And as far as the daily schedule, we will begin at 9.  
11 We will take a mid-morning break. And we'll break around  
12 1 o'clock for lunch each day for an hour. And we'll take a  
13 mid-afternoon break for -- I think they will each be around  
14 15 minutes. And then we'll try and go until around 5:30 each  
15 night. And we'll sit tomorrow through Friday.

16 All right. Thank you. You are excused at this time.

17 NOTE: At this point the jury leaves the courtroom;  
18 whereupon the case continues as follows:

19 JURY OUT

20 THE COURT: All right. So anything before we break?

21 MR. PETROVICH: I don't think so, Your Honor.

22 THE COURT: Okay. I'll come in before the jury after  
23 each recess, and I will wait until after the jury goes back in  
24 the jury room. If we have got issues we expect to raise with  
25 the next witness or other issues that come up, let's do it

1 while our jury is in the jury room versus at sidebar, for  
2 obvious reasons, that they dislike it and they think  
3 information is being withheld from them. And also, it's  
4 annoying to everybody.

5 So I know that can't be done every time, but let's do  
6 our very best to identify issues that you think are coming up  
7 before we get the jury in here. Okay?

8 All right. Then we'll see you in an hour. We're in  
9 recess.

10 NOTE: At this point a lunch recess is taken; at the  
11 conclusion of which the case continues in the absence of the  
12 jury as follows:

13 JURY OUT

14 THE COURT: All right. Anything before we get our  
15 jury for opening statements?

16 MR. AMINOFF: Nothing from the Government, Your  
17 Honor.

18 MR. PETROVICH: No, Your Honor.

19 THE COURT: All right, Joe, let's get our jury,  
20 please.

21 NOTE: At this point the jury returns to the  
22 courtroom; whereupon the case continues as follows:

23 JURY IN

24 THE COURT: All right, please have a seat.

25 We will have opening statements at this time. Mr.



1 Aminoff, please, whenever you're ready, sir.

2 MR. AMINOFF: Thank you, Your Honor.

3 In the dead of night on the remote east coast of  
4 Honduras a group of men stood on an otherwise deserted beach.  
5 They numbered a few dozen, some were young and some were old,  
6 and each one was heavily armed. They carried pistols and  
7 assault rifles. One even held a grenade launcher.

8 And they stood on that beach waiting for what is  
9 called a go-fast boat. It's a small vessel with a V-shape in  
10 the front and big engines on the back. It's capable of  
11 travelling at high speeds while keeping a low profile.

12 And that go-fast boat they waited for was carrying  
13 only three things: A small crew, a few barrels of fuel, and  
14 about half a metric ton of cocaine.

15 The boat pulled directly up to the beach and the  
16 exhausted crew of sailors from Colombia staggered off of it.  
17 While the armed workers unloaded the cocaine, one Colombian  
18 crew member nudged the other and pointed out one of the  
19 Honduran standing on the beach holding a pistol. That's the  
20 big man, he said to his companion, that guy is the boss.

21 And that boss, ladies and gentlemen, is sitting  
22 before you today, the defendant. His name is Arnulfo  
23 Fagot-Maximo. He was known to his associates as El Tio. And  
24 he was someone who was feared and respected throughout  
25 Honduras, the man who controlled the drug trade in his coastal

1 town, and who received boat after boat carrying ton after ton  
2 of cocaine in the manner that I just described. Cocaine that  
3 he would then redistribute to the other drug traffickers in  
4 Honduras who could move it up the rest of the way to Mexico and  
5 to the big cartels who bring it right here to the streets of  
6 the United States and to the American drug user. And as that  
7 cocaine poured into the United States, millions of American  
8 dollars flowed back and right into his pocket.

9 As a result, he has been indicted by a grand jury in  
10 the Eastern District of Virginia with a conspiracy spanning  
11 from 2006 through 2015 to distribute cocaine knowing or  
12 intending that it would eventually be imported into the United  
13 States.

14 Now, the judge will instruct you fully on the law.  
15 And I expect that he'll tell you that a conspiracy is just an  
16 agreement between at least two people to commit a crime. It's  
17 a sort of partnership for criminal purposes.

18 And the first step to understanding the defendant's  
19 role in this conspiracy and to appreciating the link that he  
20 played in this criminal partnership that moves drugs between  
21 continents is to understand the basics of the international  
22 cocaine trade.

23 And so, you're going to hear from an experienced  
24 special agent in the DEA named Gregg Mervis, who will give you  
25 a crash course on cocaine trafficking. And he'll tell you that

1 to understand this, you need to first have an understanding of  
2 how the geography of the region works.

3 Now, if I could direct your attention to the screen  
4 either to your right or to the monitors in front of you. And  
5 just to orient ourselves, we're looking at the southern half of  
6 the United States on the top of this map. And on the United  
7 States' southern border is, of course, Mexico. Mexico on its  
8 southern border has Guatemala. And just to the southeast of  
9 Guatemala is Honduras.

10 Directing your attention now to the bottom region of  
11 the map, we can see the top part of South America. And in the  
12 northwest region of South America we find Colombia.

13 Now, these are some of the countries that Special  
14 Agent Mervis will reference in his testimony. And he'll tell  
15 you that the largest base of cocaine customers in the world is  
16 here in the United States, but that cocaine isn't produced  
17 here. It's by and large not produced in Mexico, nor in  
18 Guatemala, not even in Honduras. Rather, cocaine is produced  
19 almost exclusively in South America. And Colombia is the  
20 biggest exporter of the drug.

21 Now, cocaine can't just be sent like a regular  
22 product anymore, it's too difficult generally to just ship a  
23 ton of cocaine directly from Colombia to the United States,  
24 there is too much risk, there are too many opportunities to get  
25 caught.

1           Instead, cocaine distribution typically operates  
2 along an illicit chain of supply from trafficker to trafficker  
3 and country to country, with each link critical in ensuring  
4 that the drugs reach the United States where the customers are  
5 and the big profits can be made.

6           And there are various routes that the traffickers can  
7 take, but one of the most common begins by boat leaving  
8 Colombia and arriving in Honduras.

9           And what Special Agent Mervis describes to you is  
10 exactly what the evidence will show in this case. You will  
11 learn that the defendant controlled the area in and around the  
12 town of Raya. And that's marked here with a yellow dot on the  
13 map. And it's on the rural and remote east coast of Honduras,  
14 just called the La Mosquitia coast.

15           And even though it is on the east coast, make no  
16 mistake that La Mosquitia is the wild, wild west of Honduras.  
17 This is a sparsely populated, barely governed area separated  
18 from the rest of the country by a rain forest so thick that you  
19 can't even get there by road.

20           But it is crucial territory in the cocaine supply  
21 chain because it is a relatively safe and easy journey to move  
22 the drugs there from Colombia. It's easy because you can  
23 literally point your boat at the appropriate angle from  
24 Colombia, step on the gas and sail in a straight line and you  
25 will arrive on the La Mosquitia coast.

1           And it's safe because it's possible to get there  
2 sailing only at nighttime away from the eyes of the Coast Guard  
3 if you come from the Colombian island of San Andres first,  
4 which is also marked up there on the map.

5           Now, because of his crucial territory, over the  
6 nine-year period charged you are going to hear evidence of a  
7 defendant receiving thousands upon thousands of kilograms of  
8 cocaine. He would receive this cocaine on go-fast boats in the  
9 middle of a night on a deserted beach near a property he owned.  
10 His workers would unload it and take it to a nearby cabana to  
11 be stored where it was kept safe from thieves and bandits by  
12 his malitia, and it was kept safe from local law enforcement by  
13 bribery.

14           And the defendant could keep the drugs there until  
15 the coast was clear and night came again and other traffickers  
16 were ready to receive the drugs in the rest of Honduras. At  
17 which point it would be typically packed back onto boats and  
18 sent up through the north coast of the country.

19           And on that north coast you will learn that he  
20 enjoyed a particularly close and symbiotic partnership with  
21 another drug trafficking organization led by the  
22 Montes-Bobadilla family, often called simply just the Montes.  
23 And here we see two photographs of the leader of the  
24 Montes-Bobadilla drug trafficking organization, Noe Montes,  
25 he's in the red shirt in the photograph on the left and in the

1 white shirt on the photograph on the right.

2 Now, the Montes organization was based near the small  
3 town of Limón shown on the north coast of Honduras there with  
4 the red dot. And they controlled much of the drug trafficking  
5 in that area.

6 Now, the Montes would also buy their cocaine directly  
7 from the Colombians, but they would often have the defendant  
8 receive it for them in Raya in La Mosquitia, and the reason is  
9 because it was easier and quicker and safer to get the drugs  
10 from Colombia to Raya rather than trying to sail all the way  
11 around to Limón.

12 So the defendant would receive their cocaine in Raya.  
13 He would be paid in cash for his trouble or claim a portion of  
14 their shipment as his own. And then he would send the drugs up  
15 to the Montes when the coast was clear and under the cover of  
16 darkness.

17 And this relationship, you will learn, worked both  
18 ways. The defendant could also sell his own cocaine that he  
19 purchased to the Montes, or he could send it up to the Montes  
20 and have them resell it for him to other drug traffickers for a  
21 fee.

22 But regardless of the arrangement for any individual  
23 shipment of cocaine, it was through this productive partnership  
24 of Raya and Limón, of the defendant and the Montes, that  
25 together they moved thousands and thousands of kilograms of

1 cocaine from the Colombians to the rest of the drug traffickers  
2 in Honduras.

3 Now, among the rest of the drug traffickers in  
4 Honduras you will learn that their biggest customers were two  
5 brothers, the Valle Valle brothers. And the Valle Valle  
6 brothers operated close to the Guatemala border in Honduras,  
7 and they had the connections and the ability to move these ton  
8 quantities of cocaine through Honduras and through Guatemala  
9 and to the Mexican cartels, who could then get the drugs up to  
10 the U.S. and get the dollars flowing back south.

11 Now, that's what I expect the evidence will show,  
12 that the defendant was a significant link, a crucial link,  
13 often even a necessary link, between the Colombian suppliers on  
14 one hand and the traffickers who could move the drugs up to the  
15 Mexican cartels on the other. And that all of these  
16 individuals were part of a conspiracy, a criminal partnership  
17 to get the drugs to the U.S. to make the most money possible.

18 And you will see during this case that this was a  
19 serious business. And it was a serious business because there  
20 was an incredible amount of money at stake. One metric ton of  
21 cocaine in Honduras is worth roughly 10 million U.S. dollars.  
22 And we're going to be talking about ton after ton of cocaine  
23 during this case.

24 So naturally, with that amount of money on the line,  
25 the members of this conspiracy were careful. And you've heard

1 some of the ways already. They operated in the dark and on the  
2 high seas, in some of the most remote and some of the most  
3 violent corners of the earth. Bribes were paid, foreign  
4 officials corrupted, deadly weapons were ready and available  
5 for use.

6 There is no doubt that this is an ugly and intricate  
7 story. And the way that we'll be able to prove the defendant's  
8 part in it is by taking you inside of it and letting you hear  
9 directly from the people that he worked with.

10 You'll hear from the Colombians that supplied him.  
11 You'll hear from the Hondurans that bought from him and  
12 laundered his money. You'll hear from the Guatemalan who  
13 delivered his drugs to the Mexican cartels.

14 These are people who have been charged in the United  
15 States with drug trafficking who have admitted their  
16 responsibility and are serving lengthy prison sentences and who  
17 have agreed to cooperate fully, completely, and honestly with  
18 the Government, including testifying at trials when called upon  
19 to do so. And they do this with the hope, but not the promise,  
20 of a reduced sentence from the judge if they uphold their part  
21 of the agreement.

22 You'll hear some of these people have done terrible  
23 things, but these are the people the defendant chose to  
24 associate with. So these are the people the Government will  
25 call as its witnesses.



1           So, ladies and gentlemen, we will call to that  
2 witness stand a trafficker from the Colombian island of San  
3 Andres who ran his own cocaine transportation organization,  
4 that received drugs from mainland Colombia on San Andres Island  
5 and then dispatched them on boats to the defendant. Three,  
6 even four boats a month, month after month, year after year.

7           Listen to the sheer quantity of narcotics this one  
8 defendant and his organization sent to him, and it will give  
9 you a sense of the almost unimaginable size and ambition of  
10 this conspiracy.

11           You'll hear from a worker who physically drove one of  
12 the go-fast boats sent by another organization on San Andres  
13 Island to the defendant. He will tell you about the long rides  
14 in the middle of the night, about the armed militia that  
15 awaited him on the beach, and about receiving millions of  
16 dollars in sacks from the defendant to take back to his  
17 Colombian bosses.

18           He will tell you he delivered drugs like this for  
19 nearly ten years until the U.S. Coast Guard finally caught him  
20 on a boat with over 500 kilograms of cocaine that was going to  
21 this man here.

22           You'll hear from several Hondurans, including the  
23 Valle Valle brothers whom I mentioned earlier. They will tell  
24 you how they bought cocaine directly from the Montes family and  
25 directly from the defendant. They will tell you how they had

1 an associate in Guatemala who transported the drugs up to the  
2 Mexico border where it was sold to the big Mexican cartels.

3 And you will even hear from that Guatemalan, who was  
4 responsible for moving millions of dollars of other people's  
5 drugs and money, that he liked to write things down to make  
6 sure he wasn't accused of stealing anything. That like in any  
7 business, he thought it was important to keep some of kind of  
8 records. And you will see in his records several entries  
9 totaling millions and millions of dollars going back to El Tio,  
10 the defendant.

11 Listen to their testimony and evaluate it using the  
12 same common sense that you would use to evaluate anything else.  
13 And I'm confident that when you take it all together, the  
14 Colombian suppliers and the Honduran drug traffickers, the  
15 money launderers, and the testimony of the DEA special agent,  
16 that together this will lead you to one inescapable conclusion,  
17 that that man moved thousands and thousands of kilograms of  
18 cocaine and that he is guilty of the crime charged.

19 THE COURT: Thank you, counsel.

20 Mr. Petrovich or Mr. Walsh.

21 MR. WALSH: Good afternoon. May it please the Court,  
22 counsel for the Government, ladies and gentlemen of the jury.

23 As Judge O'Grady told you, the defense doesn't have  
24 to do you an opening, but I'm going to just give you a brief  
25 overview of what we think the evidence will show.

1           First off, Mr. Petrovich and I are privileged to  
2 represent Arnulfo Fagot-Maximo. We're going to refer to him as  
3 Mr. Maximo to make it easy.

4           An overview. You'll learn that Mr. Maximo is a  
5 citizen of Honduras. The U.S. government went down and  
6 arrested him there and brought him into this Virginia court to  
7 prosecute him. And they are prosecuting him for conspiracy to  
8 distribute five kilograms or more of cocaine knowing or  
9 intending it to be brought into the United States.

10           We anticipate the evidence to show that he was  
11 arrested in Puerto Lempira, he was arrested there in his home.  
12 You will learn it was a peaceful arrest. You will learn that  
13 he didn't avoid or flee from the arrest. There wasn't a  
14 shootout or bribes to keep him from being arrested. There  
15 wasn't millions of dollars of cash with him. There wasn't  
16 cocaine with him. There wasn't an arsenal of weapons or  
17 bodyguards around him.

18           You will also learn that Honduras is the number one  
19 murder country in the world. Counsel referred to an expert.  
20 The expert will tell you that these DTOs, or drug trafficking  
21 organizations, they have large compounds. They have  
22 bodyguards. You'll hear that they have large arsenals of  
23 weapons. That they engage in violent behavior, shootouts when  
24 they're trying to be arrested. They have killed people in  
25 furtherance of their actions. They have large amounts of cash

1 when they are seized. They have numerous vehicles.

2 But you'll also see from the evidence, that you will  
3 learn and the evidence will demonstrate that Mr. Maximo didn't  
4 have any of that.

5 Mr. Maximo, as His Honor told you, is presumed  
6 innocent. So because he is presumed innocent and he is a  
7 Honduran citizen in our system, the Government's case is on  
8 trial today. He's standing here, but their case is on trial,  
9 you're judging their case.

10 So let's look at their case. And I'm just going to  
11 give you a brief overview. The Government has mentioned the  
12 inner workings of this organization, this drug trafficking.  
13 And the Government has listed, you will hear from a Colombian,  
14 you will hear from someone on a boat. I'm going to name some  
15 people. You're going to hear from Arnulfo Valle Valle. You're  
16 going to hear from Luis Valle Valle. Fernando Chang Monroy.  
17 Richard Mosquera-Mosquera. Anderson Lever. Devis Rivera  
18 Maradiaga. Jose Lopez Morales. And a few more, I don't have  
19 to list them all. But you will learn from the evidence that  
20 will be presented how this system, our system works.

21 As I said, he is charged with a conspiracy to  
22 distribute five, five kilos of cocaine that he knew was going  
23 to come into this country. But each of those people I named,  
24 and there is a few more, are coming to this court with the  
25 hopes of reducing their sentence. That's how the system works.

1 They are defendants in other cases that have pled guilty.  
2 You'll see in evidence there is plea agreements. The plea  
3 agreements are with these people, the Government. And the plea  
4 agreement is that they come here and testify because they want  
5 a get-out-of-jail-early card.

6 You'll see from these plea agreements that only the  
7 prosecution can do that, they're the only ones that can file a  
8 motion to reduce their sentences. So every one of those that  
9 come out of that door, and I named them, are shooting to have  
10 their sentences reduced. Keep that in mind.

11 I believe you'll see in the plea agreements it says:  
12 If in the sole and unreviewable judgment of the prosecution,  
13 the defendant cooperated, cooperation is of such quality and  
14 significance to the investigation, or prosecution of other  
15 criminal matters as to warrant reduction, then they can reduce  
16 the sentence. They can ask to reduce the sentence. That's the  
17 magic wand, you'll see.

18 So let's talk about one of these defendants, Fernando  
19 Chang Monroy. You'll see from the evidence when he testifies  
20 that he was interviewed -- he was arrested back in 2015, I  
21 believe it was 2015. You'll see he was interviewed on  
22 December 17, 2015, about his involvements in this inner-working  
23 system that we heard about. You'll see that he was interviewed  
24 December 18, 2015. You'll see that he was interviewed  
25 December 12, 2016. You'll see he was interviewed January -- I

1 mean, excuse me, January 12, 2016. January 13, 2016. February  
2 2, 2016. February 3, 2016. May 31, 2016. June 17, 2016.  
3 August 22, 2018.

4 He didn't ever mention Mr. Maximo. Extensive  
5 interviews, as you will see from the evidence. Magically,  
6 September 5, 2018 -- what, two months ago? -- he said he knew  
7 of an individual named El Tio who operated with Noe Montes in  
8 the Atlantic side of Honduras, La Mosquitia.

9 On one occasion Monroy sent Osmon Manya to pick up  
10 5,000 kilos of cocaine from Fagot. And on this occasion Manya  
11 told Monroy that Fagot was present to receive the cocaine.  
12 That was two months ago. All of a sudden -- he has already  
13 pled guilty, he has got a cooperation agreement, you will see  
14 the evidence.

15 Then on October 30, 2018, I think that was last  
16 month, he says on that interview with the Government, he  
17 recalled narcotic transactions with Mr. Maximo. Oh, wait, in  
18 2010 he'll tell you he bought 800 kilos from him. And he knows  
19 that because he paid money in Mexico City and Guatemala. He's  
20 from Honduras.

21 The evidence will show magically on September 5 he  
22 only knew of a guy two months ago, but then up to now he now  
23 recalls all these transactions.

24 There is another gentleman, Arnulfo Valle Valle.  
25 When he was interviewed back in 2015, he listed the major

1 traffickers. Don Marcos. Noe Montes-Bobadilla. Carlos Lobo.  
2 Don Cesar. Wilter Blanco-Ruiz. Devis Rivera Maradiaga.  
3 Javier Maradiaga. Never mentioned Mr. Maximo. But he's the  
4 inner workings of the system, you'll see the evidence.

5 He was interviewed on January 27, 2015. He was  
6 interviewed on January 28, 2015. February 11, 2016. I believe  
7 it's February 12, 2016. No mention.

8 But he does talk about a Tio. And you will learn Tio  
9 means -- I think El Tio means uncle. It has other terms in the  
10 Spanish language.

11 But you will hear that he dealt with a person named  
12 Tio in Orlancho, which is in the middle of Honduras. And that  
13 Tio is a congressman who was dealing cocaine. He sent his  
14 workers down there to his farm, the cocaine would come back in  
15 cattle shipments, 700 to a thousand kilos.

16 At the end of 2015 this gentleman, Arnulfo Valle  
17 Valle, hired an attorney named Robert Feitel, who happens to  
18 represent another person up the chain too. And it was after  
19 that that Mr. Valle Valle decided to say, oh, yeah, I do know  
20 Mr. Maximo.

21 You'll hear evidence of witnesses bribing police  
22 officials to get cocaine through the inner workings. You'll  
23 hear evidence of government officials getting bribed. You'll  
24 hear evidence of cocaine being sold by government officials  
25 down there. And also government officials buying cocaine.

1           You will hear acts of violence, there is murders in  
2 furtherance of that. And when you hear all those, you'll never  
3 hear any of that concerning him. And the evidence will show no  
4 bribes, no murders, no nothing.

5           The evidence will demonstrate that when Mr. Maximo  
6 was arrested, he wasn't seized -- you'll see, the evidence will  
7 demonstrate, he didn't have a bunch of cocaine, loads of money.

8           They say that -- the Government says he owns this  
9 property near the beach. Well, we'll question that.

10          As I said, the Government's case is on trial today.  
11 You're the judges. You're the judges -- you're the judges of  
12 the witnesses, the credibility of the witnesses, and you judge  
13 the facts, and you make the call on the Government's evidence.

14          At the conclusion of the evidence in the trial my  
15 partner, Mr. Petrovich, will address you. He's going to ask  
16 you to return a verdict of not guilty.

17          Thank you.

18          THE COURT: All right. Thank you, Mr. Walsh.

19          NOTE: The jury selection and opening statements of  
20 counsel are concluded.

21 -----

22  
23           I certify that the foregoing is a true and  
24 accurate transcription of my stenographic notes.

25                               /s/ Norman B. Linnell  
Norman B. Linnell, RPR, CM, VCE, FCRR